



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12601 of 2015

and

M.P. (MD) Nos.1 & 2 of 2015

J.Jalilul Jabbar

... Petitioner

vs.

1.The Principal Secretary to Government
Health and Family Welfare (B2) Department
Fort St.George, Chennai-09

2.The Director of Medical Education
Kilpauk, Chennai-600 010

3.The Director
Department of Employment and Training
Chepauk, Chennai-5

4.The District Employment Officer
District Employment Office
K.Pudur-625 007, Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of declaration declaring the public recruitment to the post of Lab Technician Grade II based on the Employment registration seniority by the respondents as illegal and consequently to direct the respondents Nos.1 and 2 to make such recruitment through a public notification calling for applications from all eligible candidates possessing the qualifications of DMLT (Diploma in Medical Laboratory Technology) and CMLT (Certificate in Medical Laboratory Technology), within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader



O R D E R

The relief sought for in the present writ petition is to declare the public recruitment to the post of Lab Technician Grade-II based on the employment registration seniority by the respondents as illegal and consequently, to direct the respondents 1 and 2 to make such a recruitment through public notification calling for applications from all the eligible candidates possessing the qualification of DMLT (Diploma in Medical Laboratory Technology) and CMLT (Certificate in Medical Laboratory Technology).

2. As prayed in the writ petition, presently the recruitment to the post of Lab Technician is done through the Medical Services Recruitment Board. Thus, the relief sought for has already been complied with. The post of Lab Technician is now filled-up by conducting open competitive process. Further, the declaration seeking to nullify the appointments made through the District Employment Exchange long back cannot be entertained at this length of time.

3. As far as the second limb of the prayer is concerned, now the recruitments are done through the Medical Services Recruitment Board through open competitive process. Under these circumstances, the writ petitioner is at liberty to participate in the process of selection, if any notified by the respondents, for selection and appointment to the post of Lab Technician Grade-II. However, the relief as such sought for cannot be granted at this length of time and further, recruitment through District Employment Exchange or through open competitive process is a policy decision taken by the employer and the writ petitioner being an aspiring candidate cannot seek such a relief in a writ petition under Article 226 of the Constitution of India. Thus, the prayer itself is misconceived. However, the relief sought for in the present writ petition has already been complied with by the respondents by recruiting candidates for the post of Lab Technician Grade-II through open competitive process.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To:

1.The Principal Secretary to Government,
Health and Family Welfare (B2) Department,
Fort St.George, Chennai-09.

2.The Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Director,
Department of Employment and Training,
Chepauk, Chennai-5.

4.The District Employment Officer,
District Employment Office,
K.Pudur-625 007, Madurai.

+1 CC to M/s.SPL GP (SR-83573[F] dated 27/08/2019)

+1 CC to M/s.MRT. LAJAPATHYROY, Advocate (SR-83944[F] dated
28/08/2019)

W.P. (MD) No.12601 of 2015

and

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26.08.2019

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