



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9229 of 2015

and

M.P. (MD) No.1 of 2015

K.Poonkodi

... Petitioner

vs.

1.The Director of Health and Family Welfare
Chennai-600 006

2.The Chairman
Medical Services Recruitment Board
Chennai

3.The District Employment Officer
District Employment Exchange
Thoothukudi District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 3rd respondent to sponsor the name of the petitioner bearing Regn.No.TTD1999F00003642, dated 25.06.1999, to the 2nd respondent and further direct the 2nd respondent to consider the petitioner's candidature to the post of Pharmacist.

For Petitioner : Mr.R.V.Rajkumar

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader for R1 & R3

Mr.T.S.Mohamed Mohideen for R2

O R D E R

The relief sought for in the present writ petition is for a direction to the third respondent to sponsor the name of the writ petitioner bearing registration No.TTD1999F00003642, dated 25.06.1999, to the second respondent and to direct the second respondent to consider her candidature to the post of Pharmacist.

2. The learned Additional Government Pleader appearing for the respondents 1 and 3 brought to the notice of this Court that as per the letter issued by the Executive Engineer, Public Works Department, Madurai, to the District Employment Officer, Thoothukudi, vide proceedings, dated 02.09.2014, the writ petitioner was not appointed as Junior Assistant in the Public Works Department, Thoothukudi Sub-Division.



3. When the writ petitioner was admittedly appointed as Junior Assistant in the Public Works Department, she cannot file a writ petition seeking for a direction to the authority concerned to sponsor her name for the post of Pharmacist. Once an order of appointment is issued and the appointment is accepted by the candidate, then the name of the candidate is to be deleted from the register maintained by the Employment Exchange concerned and therefore, the very relief sought for in the present writ petition is absolutely misconceived and such a relief cannot be granted at all. The fact remains that even before filing of the present writ petition in the year 2015, the writ petitioner was appointed as Junior Assistant in the Public Works Department. This being the factum, the relief as such sought for in the present writ petition cannot be granted.

4. Accordingly, the writ petitioner stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/ True Copy /

Sub Assistant Registrar (CS-)

krk

To:

1. The Director of Health and Family Welfare,
Chennai-600 006.

2. The Chairman,
Medical Services Recruitment Board,
Chennai.

3. The District Employment Officer,
District Employment Exchange,
Thoothukudi District.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate
(SR-75737[F] dated 17/07/2019)

+1 CC to M/s.SPL GP (SR-75672[F] dated 17/07/2019)

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-76115[F] dated 18/07/2019)

W.P. (MD) No.9229 of 2015 and

M.P. (MD) No.1 of 2015

16.07.2019