



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.25525 of 2019

and

W.P. (MD) No.25531 of 2019

WEB COPY

W.P.(MD) No.25525 of 2019

- 1.P.Tamilselvi
- 2.S.Esopian Kumar
- 3.S.Nagarajan
- 4.S.Kiruba Jasmine
- 5.K.Muthumari
- 6.P.Rajathi
- 7.M.Muthukumar
- 8.N.Raj
- 9.M.Ranjithkumar
- 10.F.John Victor
- 11.G.Maheswaran
- 12.R.Maheswari
- 13.G.Meenatchi

... Petitioners

-Vs-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.

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

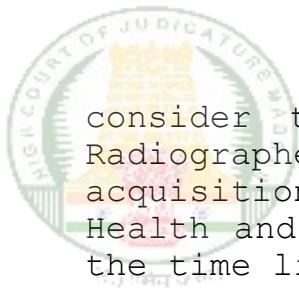
- 3.The Director of Medical & Rural Health Services,
DMS Building,
359, Anna Salai,
Teynampet,
Chennai-600 006.

- 4.The Director of Public Health Services,
DMS Building,
159, Anna Salai,
Teynampet,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to

<https://hcservices.ecourts.gov.in/hcservices/>



consider the petitioner's case for appointment to the post of Radiographer in the present available vacancies based on the acquisition of the qualification as prescribed in G.O.(MS)No.263, Health and Family Welfare (C2) Department, dated 15.11.2016, within the time limit that may be stipulated by this Court.

W.P(MD)No.25531 of 2019

T.Sivachandran

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.

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

3.The Director of Medical & Rural Health Services,
DMS Building,
359, Anna Salai,
Teynampet,
Chennai-600 006.

4.The Director of Public Health Services,
DMS Building,
159, Anna Salai,
Teynampet,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's case for appointment to the post of Radiographer in the present available vacancies based on the acquisition of the qualification as prescribed in G.O.(MS)No.263, Health and Family Welfare (C2) Department, dated 15.11.2016, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Vishnu Ram
For Respondents : Mr.S.Dhayalan,
Government Advocate

COMMON ORDER

Since the issues involved in both the Writ Petitions are one and the same and therefore, both the Writ Petitions are heard together and disposed of by way of this common order.



2. These writ petitions are filed for a direction to the respondents to consider the petitioners' case for appointment to the post of Radiographer in the present available vacancies, based on the acquisition of the qualification as prescribed in G.O.(MS) No.263, Health and Family Welfare (C2) Department, dated 15.11.2016.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. All these petitioners are possessing diploma in Radio Diagnosis Technology Course. They underwent three months internship Training in Government Medical College and registered their qualification with the concerned District Employment Exchange. The Medical Services Recruitment Board issued Notification No.09/MRB/2018, dated 22.08.2017 inviting applications through online for appointment to the post of Radiographer. The petitioners applied for the said post. They were called for Certificate Verification. After verifying their Certificates, they were informed that the respondents 2 to 4 will issue appointment order. They did not receive any appointment order. On verification with Medical Services Recruitment Board, the petitioners were informed that only the respondents 2 to 4 will issue appointment order. The petitioners obtained information under Right To Information Act that there are vacancies in the respondents Department.

5. According to the petitioners, the Government, vide G.O. (MS)No.412, Health and Family Welfare (C2) Department, dated 13.09.2019, has granted permission to promote 200 CRA [Certificate in Radiological Assistant Course] qualified Dark Room Assistants to the post of Radiographer, by relaxing the rules. Therefore, the petitioners gave joint representation dated 14.10.2019, to accomodate them in the existing vacancy, but no order has been passed by the second respondent so far. Hence, the petitioners have come out with the present writ petition.

6. Considering the fact that the petitioners were called for Certificate Verification in pursuant to the notification issued by the Medical Services Recruitment Board, dated 22.08.2017, and their Certificates were verified and there are vacancies available in respondent Department, the respondents are directed to consider the representation of the petitioners, dated 14.10.2019 taking into consideration the facts that they had already participated in the selection process and their Certificates were verified and they are fully qualified to the post of Radiographer and pass orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



7. With the above direction, both the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CO)

WEB COPY

// True Copy //

Sub Assistant Registrar(CS)

am

To

- 1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.
- 3.The Director of Medical & Rural Health Services,
DMS Building,
359, Anna Salai,
Teynampet,
Chennai-600 006.
- 4.The Director of Public Health Services,
DMS Building,
159, Anna Salai,
Teynampet,
Chennai-600 006.

+1 CC to Mr.G.VISHNU RAM, Advocate (SR-102511[F] dated 29/11/2019)
+1 CC to M/s.D.RUKMANI, Advocate (SR-102930[F] dated 02/12/2019)
+1 CC to Spl.GP (SR-102966[F] dated 02/12/2019)

W.P. (MD) No.25525 of 2019
and W.P. (MD) No.25531 of 2019
29.11.2019

MK (20.12.2019) 4P 8C