



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9254 of 2011

and

M.P. (MD)No.1 of 2011

K.Sankaranarayanan

... Petitioner

-Vs-

1. State Planning Commission,
Represented by its Chairman,
Ezhilagam, Chepauk,
Chennai-600 005.
 2. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
 3. The Principal Secretary,
Department of School Education,
Secretariat, Chennai-600 009.
 4. The Director,
Department of Indian Medicine and Homeopathy,
Arignar Anna Hospital Campus,
Arumbakkam, Chennai-600 106.
 5. The Chief Educational Officer,
Tirunelveli District,
Collectorate Compound,
Kokkirakulam, Tirunelveli.
- ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to implement the decision taken in the meeting for School Children Health Check-up Scheme on 20.07.2009 by providing permanent employment to the petitioner as Assistant Medical Officer (Siddha) in any one of the institutions under the control of the second respondent within the period stipulated by this Court.

For Petitioner
For Respondents

: Mr.Ananth C.Rajesh
: Mrs.S.Srimathy,
Special Government Pleader.

**ORDER**

The relief sought for in the present Writ Petition is for a direction to direct the respondents to implement the decision taken in the meeting for School Children Health Check-up Scheme on 20.07.2009 by providing permanent employment to the writ petitioner as Assistant Medical Officer (Siddha) in any one of the institutions under the control of the second respondent.

2.The very relief sought for in the present Writ Petition is absolutely misconceived and appointment to the permanent post cannot be sought for by filing the Writ Petition. The writ petitioner admittedly was engaged as temporary employee in order to provide treatment to the school children under the School Children Health Check-up Scheme. When the writ petitioner was engaged to serve under the special scheme, on completion of the scheme his services are discharged.

3.The learned Special Government Pleader appearing for the respondents states that after closure of the scheme, the writ petitioner was discharged from service. This apart, the writ petitioner was engaged as a temporary Doctor for the purpose of implementing the scheme of School Children Health Check-up. Thus, the writ petitioner is not entitled for the relief as such sought for in the present Writ Petition.

4.All appointments to the sanctioned post in the regular time scale of pay must be done strictly in accordance with the rules in force. A candidate, who was merely engaged on temporary basis or under the scheme, cannot claim permanent absorption, only based on the services rendered. At the time of undertaking the process of selection, all eligible persons must be provided with an opportunity to participate in the selection for the purpose of securing public employment through open competitive process.

5.This being the procedures to be followed, mere engagement of the writ petitioner under the School Children Health Check-up Scheme would not confer any right on him to seek permanent appointment by filing of the Writ Petition. Thus, the writ petitioner has not made out any acceptable legal grounds nor established any legal right, so as to consider the relief as such sought for in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //



To

1. The Chairman,
State Planning Commission,
Ezhilagam, Chepauk,
Chennai-600 005.

2. The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.

3. The Principal Secretary,
Department of School Education,
Secretariat, Chennai-600 009.

4. The Director,
Department of Indian Medicine and Homeopathy,
Arignar Anna Hospital Campus,
Arumbakkam, Chennai-600 106.

5. The Chief Educational Officer,
Tirunelveli District,
Collectorate Compound,
Kokkirakulam, Tirunelveli.

+ 1 CC to Mr. Ananth C. Rajesh, Advocate in SR.No.72485

+ 1 CC to The Special Government Pleader SR.No.72753

W.P(MD) No. 9254 of 2011

01.07.2019

KS(12.07.2019) 3 P 8 C