

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.28619 of 2006
and M.P.No.1 of 2015

R.Soundararajan

... Petitioner

Vs.

1.The Secretary to Government
Health & Family Welfare Department
Fort St.George
Chennai-600 009

2.Tamil Nadu Medicinal Plant Farms &
Herbal Medicine Corporation Ltd.,
(A Government of Tamil Nadu Undertaking)
Rep. by its Managing Director
Anna Hospital campus
Arumbakkam, Chennai-600 106

3.Dr.Prem Dutt Dwivedi

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, praying for Certiorarified Mandamus calling for the connected records pertaining to the passing of G.O.(D).641 Health and Family welfare Department dated 17.07.2006 and quash the same, consequently, direct the 2nd respondent to issue posting orders to the petitioner for the post of Chief Botanist.

For Petitioner : Mr.C.Sathyakumar
for Mr.G.Justin

For Respondents: Mr.K.Magesh, Special Government Pleader
for R1 and R2 Mr.Gokula Rao

for Mr.R.Muthukkannu for R3.

O R D E R

This Writ Petition is filed challenging the G.O.(D).641, Health and Family welfare Department dated 17.07.2006 and seeks to quash the same, and consequently to direct the 2nd respondent

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to issue posting orders to the petitioner for the post of Chief Botanist. Subsequently, the petitioner also filed M.P.No.1 of 2015 seeking interim direction to the respondents 1 and 2 to sanction Grade Pay in the old scale of pay of the post Chief Botanist, pending disposal of the Writ Petition.

2. On the last occasion, i.e., on 08.10.2020, M.P.No.1 of 2015 was listed along with Writ Petition before this Court. But there was no representation from the petitioner's side to argue the matter. The learned Special Government Pleader appearing for the respondents 1 and 2 was directed to get instructions.

3. Today, when the matter is called, the learned Special Government Pleader would submit that the petitioner got retired from service on 30.06.2016. Further, the petitioner who sought for the post viz., Chief Botanist and challenging the G.O., does not possess the prescribed qualification. When the post of Chief Botanist was vacant, the petitioner was holding additional charge and on that score, the petitioner claims for the said post. However, the petitioner not fulfilled educational criteria required for the post of Chief Botanist. Moreover, the 3rd respondent has been selected to the said post and is continuing in the post of Quality Assurance Officer from 08.08.2006.

4. The submission of the learned Special Government Pleader is recorded. The third respondent also filed written submission and the same is taken on file.

5. Taking into consideration the facts and circumstances of the case and the subsequent developments, the prayer sought for in the writ petition and the Miscellaneous Petition has become infructuous. Therefore, nothing survives for adjudication in this matter. Accordingly, the Writ petition is dismissed as infructuous. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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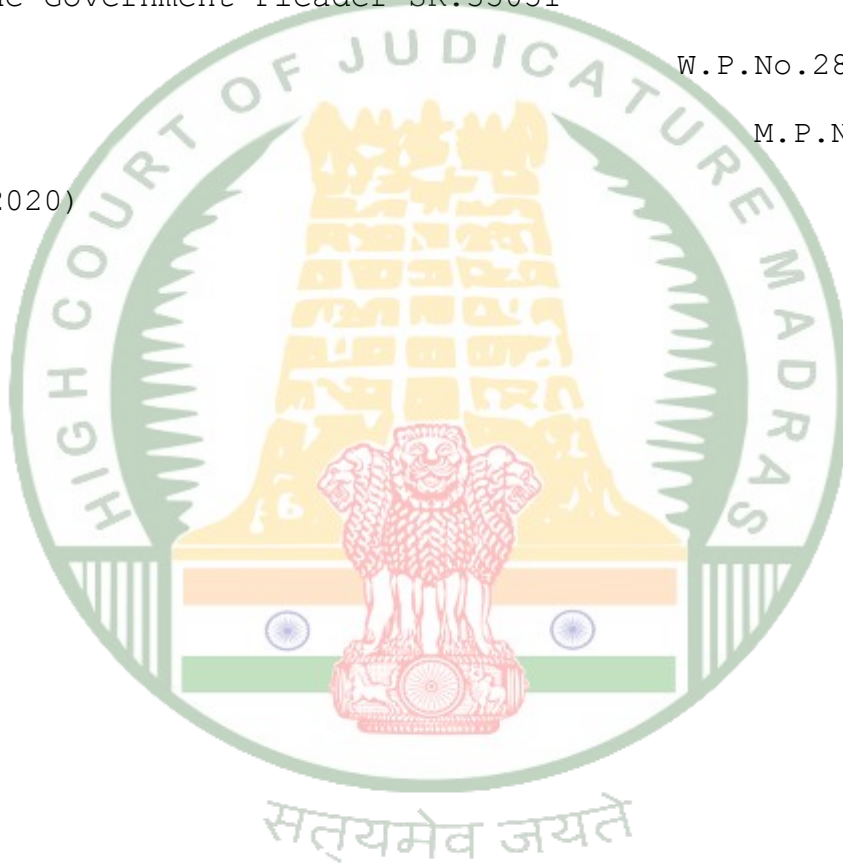
1.The Secretary to Government
Health & Family Welfare Department
Fort St.George, Chennai-600 009

2.The Managing Director,
Tamil Nadu Medicinal Plant Farms &
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+lcc to the Government Pleader SR.35051

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