



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

CONT.P(MD)No.558 of 2020

B.Dinesh Kumar,
Assistant Surgeon,
Vadamadurai Primary Health Centre,
Vadamadurai, Dindigul District.

... Petitioner/ Petitioner

Vs.

Dr.T.S.Selvavinayagam,
The Director of Public Health & Preventive Medicine,
Public Health & Preventive Medicine Department,
No.359, Anna Salai,
Chennai 600 006

... Contemnor /Respondent

PRAYER:Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the Contemnor/ respondent for his willful disobedience of the order of this Court made in W.P.(MD) No.1566 of 2020 dated 27.01.2020.

Prayer in WP(MD) . 1566/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents to select and appoint the petitioner by direct recruitment to the post of Health Officer in Tamilnadu Public Health Service 2013-2014 under Most Backward Class/ De-notified community (MBC/DC) Category in the light of proceedings issued by the 2nd respondent in his proceedings in memorandum No.7315 / OTD -A1 / 2014-2 dt 10/09/2015 in Class 3(ii) and in the light of resignation letter dt 21/10/2019 submitted by the Dr.M.Vinoth and by considering the petitioners representation dated 28/11/2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates

For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader.



O R D E R

This Contempt Petition has been filed for the alleged disobedience of the orders passed by this Court made in W.P.(MD) No. 1566 of 2020 dated 27.01.2020.

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2. Today, when the contempt petition is taken up for hearing, Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondent would point out that, pursuant to the orders passed by this Court on 27.01.200, the representation of the petitioner, dated 28.11.2019 was considered and an order to that effect has been passed by the third respondent, dated 01.04.2020 and the same also has been annexed at page no.56 of the typed set of papers.

3. I have perused the said order, which reads thus:-

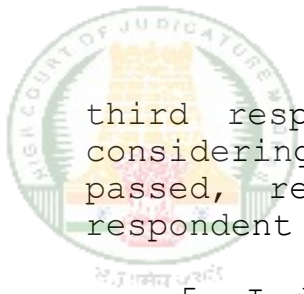
"In the light of the Judgment delivered by the High Court of Madras, Madurai Bench, dated 27.01.2020 in W.P.No.1566 of 2020 filed by Dr.B.Dinesh Kumar, the representation of the petition in the reference first cited has been examined. In this connection, he is informed that the resignation submitted by Dr.M.Vinoth, while working as Municipal Health Officer, Rajapalayam Municipality, Rajapalayam has been accepted by the Government vide G.O. third cited. (Copy enclosed).

3) He is further informed that estimate of vacancy for the post of Health Officer in Tamil Nadu Public Health Service is being submitted by this office every year to the Tamil Nadu Public Service Commission through the Government. Tamil Nadu public Service Commission will select the eligible candidates as per rules for the post of Health Officer in Tamil Nadu Public Health Service and allot the selected candidates to the Government. Government being the appointing authority to the post of Health Officer in Tamil Nadu Public Health Service will issue appointing orders for the selected candidate.

K.Kolandaswamy,
Director of Public Health and
Preventive Medicine, Chennai-6

To
Dr.B.Dineshkumar, No.1/316, Sundarraaj Nagar,
Keelavadagarai, State Bank Colony, Periyakulam, Theni
District, Pincode-625 601"

4. Mr.C.Venkatesh Kumar, learned counsel appearing for the
<https://hccourtsonline.org.in/hwscvcs/> submit that, the learned Judge has directed the



third respondent to consider and pass orders, however, without considering the request of the petitioner, since order has been passed, rejecting the plea of the petitioner, still the third respondent can be proceeded under the Contempt of Courts Act.

5. I do not agree with the said submission made by the learned counsel appearing for the petitioner, as the direction made by this Court on 27.01.2020 has been complied with and an order to that effect, on merits, has been passed by the third respondent on 01.04.2020.

6. Therefore, if at all the petitioner is aggrieved over the said order, it is open to him to agitate the issue in the manner known to law. Instead, the petitioner cannot seek indulgence under the Contempt of Courts Act. Therefore, this Court is not inclined to entertain this Contempt petition. Accordingly, the Contempt Petition stands closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

Dr.T.S.Selvavinayagam,
The Director of Public Health & Preventive Medicine,
Public Health & Preventive Medicine Department,
No.359, Anna Salai,
Chennai 600 006.

Order made in
CONT.P(MD)No.558 of 2020
Dated:11.09.2020

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SDS (23.09.2020) 3P-2C