



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.11.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.15144 of 2020

and

W.M.P. (MD) Nos.12755 & 12759 of 2020

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1.Dr.Shyamala

2.Dr.Rajalakshmi

3.Dr.Pratheeba

... Petitioners

Vs

1. The State represented by the
The Principal Secretary to the Government,
Health and Family Welfare Department,
Chennai 600 009.

2. The Member Secretary,
Medical Services Recruitment Board (MRB),
Teynampet,
Chennai 600 006.

3. The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumpakkam,
Chennai 600 106.

4. The Commissioner,
Indian Medicine and Homeopathy,
Indian Medical Campus,
Arumbakkam,
Chennai 600 106.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the notification dated 14.08.2020 issued by the 2nd respondent and quash the same as illegal and consequentially direct the respondents to give the preference to the petitioners for the appointment of Assistant Medical Officer (Siddha) for the present vacancy, who were already completed certificate verification as early as in 2017 and waiting in the reserve list.

For Petitioners : Mr.R.Gandhi

For Respondents : Mr.K.P.Narayanakumar

Special Government Pleader



ORDER

This Writ Petition is filed to quash the impugned notification dated 14.08.2020 issued by the 2nd respondent and to direct the respondents to give preference to the petitioners for appointment to the post of Assistant Medical Officer (Siddha) in the present vacancy.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioners would submit that in August, 2015, the 2nd respondent has issued a notification for filling up the post of Assistant Medical Officer (Siddha). The petitioners have applied for the said post and subsequently, they were called for certificate verification and their rank is 144, 129 and 151 respectively.

4.On 02.01.2018, 101 Siddha Doctors were appointed to the post of Assistant Medical Officer (Siddha) and the remaining 99 candidates, who have been completed their certificate verification including the petitioners were kept in the reserved pool for the purpose of appointment to the said post. However, on 14.08.2020, the 2nd respondent has issued a paper publication, inviting application for recruitment and appointment of 54 Assistant Medical Officer (Siddha).

5.The learned counsel would further submit that the respondents ought to have given preference to the said 99 candidates, who have been completed their certificate verification and are waiting in the reserved list, for appointment to the said post. In this regard, the petitioners have made representations dated 17.09.2020 and 24.09.2020 before the respondents, but no action has been taken till date. Hence, the writ petition.

6.In reply, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents would submit that the petitioners' representations dated 17.09.2020 and 24.09.2020 will be disposed of on merits and in accordance with law, within a period of eight weeks.

7.In view of the submissions made by the learned counsel on either side, this Court directs the respondents 1 and 2 to consider the petitioners' representations dated 17.09.2020 and 24.09.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, without making any further delay in its decision making process.



8. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cs-III)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary to the Government,
Health and Family Welfare Department,
Chennai 600 009.
2. The Member Secretary,
Medical Services Recruitment Board (MRB),
Teynampet, Chennai 600 006.
3. The Director,
The Directorate of Indian Medicine and Homeopathy,
Arumpakkam, Chennai 600 106.
4. The Commissioner,
Indian Medicine and Homeopathy,
Indian Medical Campus,
Arumbakkam,
Chennai 600 106.

+1 CC to the SPL GP SR-21010.

+3 CC to Mr.R.GANDHI, Advocate SR-20825.

W.P. (MD) No.15144 of 2020
02.11.2020

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