



WEB COPY

W.P.(MD)No.18562 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.18562 of 2015

and

M.P. (MD)Nos.1 to 3 of 2015

U. Chandran

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Secretariat, Chennai.
2. The State of Tamil Nadu
Rep. by its Secretary to Government,
Public Health & Family Welfare Department,
Secretariat, Chennai.
3. The Director ,
O/o. the Directorate of Medical Education,
Kelpauk, Chennai- 10.
4. The Dean,
Thirunelveli Medical College,
Thirunelveli,
Thirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular issued by the fourth respondent in his proceedings in R.No. 4602/E4/2015, dated 25.08.2015 and quash the same as illegal in so far as it relates to prescribing the scale of pay in (PB II) Rs. 9300-34800+4500 GP for the candidates belonging to Tamil Nadu Medical Subordinate Services and consequentially to direct the respondents to consider the petitioner for promotion to the post of Non Medical Demonstrator irrespective of his scale of pay in the cadre of Lab Technician Grade I.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates



For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

A circular dated 25.08.2015 which is impugned in the present writ petition is relating to the application to fill up the vacant post of Non-Medical Demonstrator. The impugned circular states that the respondents have taken a decision to fill up the post of Non-Medical Demonstrator and accordingly invited the applications from the eligible persons. The circular states that a member of service is said to be appointed by transfer when the appointment is made from one category to another category in the same service carrying identical scale of pay. Thus while forwarding the applications, Head of the Departments are requested to ensure that the application of candidates belongs to Tamil Nadu Medical Subordinate Service, who are drawing pay in the scale of pay (PB-II) Rs.9300-34800+4500 GP (Identical scale) are forwarded.

2. Learned Additional Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the circular was not acted upon in view of the fact that the post of Non-Medical Demonstrator is to be filled up only through the Medical Recruitment Board. Now the post was brought under the purview of the Medical Recruitment Board. All selections ought to be made by the Board and thereafter the competent authorities have to fill up the posts by selecting candidates.

3. This apart, the circular inviting the applications were published on 25.08.2015 and in view of the submission made by the learned Additional Government Pleader that the recruitment procedure is now undertaken by the Medical Recruitment Board, the relief to quash the circular cannot be granted as the procedure of recruitment itself underwent changes. This apart, the circular was not acted upon and no such appointments are challenged, if at all made in pursuant to the impugned circular. This factum being established, the relief as such sought for in the present Writ Petition cannot be granted. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Principal Secretary to Government,
State of Tamil Nadu
Personal & Administrative Reforms,
Secretariat, Chennai.

2. The Secretary to Government,
State of Tamil Nadu,
Public Health & Family Welfare Department,
Secretariat, Chennai.

3. The Director ,
O/o. the Directorate of Medical Education,
Kelpauk, Chennai- 10.

4. The Dean,
Thirunelveli Medical College,
Thirunelveli,
Thirunelveli District.

+1 CC to M/s.GP (SR-20486[F] dated 16/10/2020)

W.P. (MD)No.18562 of 2015

and

M.P. (MD)Nos.1 to 3 of 2015

15.10.2020

sss(CO)

TR(05.11.2020) 3P 6C