



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.2742 of 2015

and M.P. (MD) Nos.1, 2 & 3 of 2015

WEB COPY

V.Thiyagu

... Petitioner

Vs.

1.Union of India Represented by its Secretary,
Ministry of Health,
O/o. Ministry of Health,
New Delhi-1.

2.The Secretary,
Department of Health and Family Welfare,
Secretariate, Chennai - 9.

3.The Project Director,
National Rural Health Mission (NRHM),
DMS Campus, Anna Salai,
Thenampet, Chennai - 6.

4.The State Tuberculosis Officer,
Revised National Tuberculosis Control Program,
DMS Campus, Anna Salai,
Thanampet, Chennai - 6.

5.The District Collector,
Tanjore District, Tanjore.

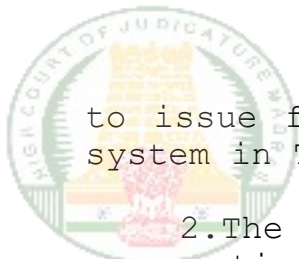
... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned advertisement in DIPR/1405/DIS/2014 published in Daily Thanthi by the respondent No.4 dated 24.12.2014 and quash the same as illegal and consequently direct the respondents to issue a fresh advertisement by following the existing reservation system in Tamilnadu.

For Petitioner : Mrs.Tamilmalar,
for M/S.T.Lajapathy Roy.
For R1 : No Appearance
For R2 : Mr.D.Muruganandham,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to quash the recruitment notification published by the respondents in the news paper "Daily Thanthi" on 24.12.2014 and direct the respondents



to issue fresh advertisement by following the existing reservation system in Tamil Nadu.

2.The grievance of the writ petitioner is that the rule of reservation had not been followed and the principles to be followed for reservation was not notified in the recruitment notification, dated 24.12.2014. However, the learned counsel appearing for the petitioner made a submission that in the subsequent proceedings, the rule of reservation was followed. The impugned notification was issued on 24.12.2014 and if at all any post in reserved category is to be filled up that is to be done in a subsequent recruitment treating those vacancies as backlog vacancies.

3.At this length of time, notification cannot be quashed and no purpose will be served. Further, the learned counsel for the petitioner states that the rule of reservation is followed in the subsequent recruitment. Under these circumstances, the respondents are bound to follow the rules of reservation as per rules in all recruitments whenever made. However, the relief as such sought for to quash the notification would not arise at all. If the petitioner is otherwise eligible as per rules in force, he is at liberty to participate in the next recruitment process and in such a event, the case of the petitioner is also to be considered along with all other eligible candidates, in accordance with the rules in force.

4.With these observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gns

To

1.The Secretary,
Ministry of Health,
O/o. Ministry of Health, New Delhi-1.

2.The Secretary,
Department of Health and Family Welfare,
Secretariate, Chennai - 9.



3.The Project Director,
National Rural Health Mission(NRHM),
DMS Campus, Anna Salai,
Thenampet, Chennai - 6.

4.The State Tuberculosis Officer,
Revised National Tuberculosis Control Program,
DMS Campus, Anna Salai,
Thanampet, Chennai - 6.

5.The District Collector,
Tanjore District, Tanjore.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19875[F] dated
13/10/2020)

+1 CC to M/s.SPL GP (SR-19905[F] dated 13/10/2020)

W.P. (MD) No.2742 of 2015
12.10.2020

PM(CO)
KB(29.10.2020) 3P 8C