

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.2588 OF 2021

M.Saravana Priya
W/o.R.Nandakumar
Assistant Scientific Officer
State Drugs Testing Laboratory
Indian Medicine & Homeopathy Department
Arumbakkam, Chennai - 600 016 .. Petitioner

Vs.

1. The State of Tamil Nadu
Rep by its Secretary to the Government
Health and Family Welfare Department
Fort St. George, Chennai - 600 009
2. The Director
Directorate of Indian Medicine & Homeopathy
Arumbakkam, Chennai - 600 016 .. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner for the notification for the post of Government Analyst (Indian Medicine) in State Drug Testing Laboratory under the control of Directorate of Indian Medicine & Homeopathy based on representations dated 27.10.2020 and 07.01.2021.

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For Petitioner : Mr.T.Ajay Vigneshwar Rao

For R1 and R2 : Mr.A.Arul Doss
Government Advocate

O R D E R

This petitioner has filed this writ petition for a direction to the respondents to consider her for the post of Government Analyst (Indian Medicine) in State Drug Testing Laboratory under the control of Directorate of Indian Medicine & Homeopathy, as

per the notification, based on representations dated 27.10.2020 and 07.01.2021.

2. The case of the petitioner is that she has been appointed to the post of Assistant Scientific Officer (Micro Biology) in State Drugs Testing Laboratory (Indian Medicine), Arignar Anna Government Hospital of Indian Medicine Campus, Arumbakkam, Chennai - 600 106, vide appointment order dated 06.06.2013. Despite being in the same post for over 8 years, there were no regular increments or promotions since the date of her joining. According to the petitioner, the post of Government Analyst (Indian Medicine) in State Drug Testing Laboratory (IM) under the control of Directorate of Indian Medicine & Homeopathy has been vacant since its creation. The petitioner has all the required qualifications and experience to be suitable for the said position. In spite of her sending representations dated 27.10.2020 and 07.01.2021, to the Directorate of Indian Medicine & Homeopathy, she has not received any response and hence this writ petition.

3. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

4. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the representations of the petitioner submitted on 27.10.2020 and 07.01.2021, by giving an opportunity of hearing to her, and pass appropriate order on merit, within a period of 60 days from the date of receipt of a copy of this order.

5. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of her last representation, namely representation dated 07.01.2021 and this order, to the second respondent forthwith. The second respondent is directed to communicate the decision taken on the representation, to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authority concerned fail to send communication to the petitioner, he/she will have to face the civil imprisonment in case of contempt proceedings and, if he/she is unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the petitioner, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Asr

To

1. The Secretary to the Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009
2. The Director,
Directorate of Indian Medicine & Homeopathy,
Arumbakkam, Chennai - 600 016.

+1cc to the Government Pleader, S.R.No.7086

W.P.No.2588 of 2021

AKII(CO)
CS/22/03/2021