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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18550 of 2012

M.P.No.1 and 2 of 2012

1 K.SENGOTTAIYAN
SON OF K.L.KATHIRESAN,
NO.21 SEKKARA THERU CHINNAMANALI,
EDAPADI POST, SALEM DISTRICT- 637101.

... PETITIONER

Vs.

1 GOVERNMENT OF TAMIL NADU
REPRESENTED BY THE SECRETARY TO GOVT.,
LABOUR AND EMPLOYMENT DEPARTMENT,
SECRETARIAT, CHENNAI-9.

2 GOVERNMENT OF TAMIL NADU
REPRESENTED BY THE SECRETARY TO GOVT.,
HEALTH AND FAMILY WELFARE DEPARTMENT
SECRETARIAT, CHENNAI-9.

3 THE MEDICAL SERVICES RECRUITMENT BOARD
359, 7TH FLOOR, ANNA SALAI, CHENNAI-6.

4 THE DIRECTOR OF MEDICAL EDUCATION,
CHENNAI-10.

5 THE DIRECTOR OF MEDICAL AND RURAL
HEALTH SERVICES CHENNAI-6.

6 THE DIRECTOR OF PUBLIC HEALTH
AND PREVENTIVE MEDICINE, CHENNAI-6.

... RESPONDENTS

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to consider the case of the Petitioner for condonation of non-renewal of the Registration from 1991 to 1995 and relaxation of upper age limit and to pass appropriate orders so as to enable Respondents 3 to



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6 to appoint the Petitioner as Pharmacist in the ongoing selection by the third Respondent.

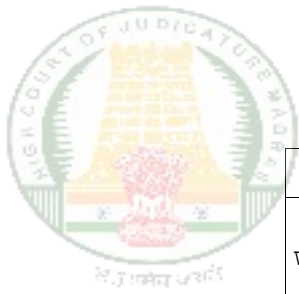
For Petitioner : Mr.S.Balakrishnan for
Mr.M.Ravi
For Respondents
1,2 & 4 to 6 : Mr.T.Sampath Kumar, G.A.
For Respondent No.3 : No appearance

O R D E R

According to the petitioner, petitioner belongs to Most Backward Class and passed S.S.L.C. in March, 1980 and Plus Two in April, 1982, The petitioner also passed Diploma Certificate in Pharmacy in October, 1984. The petitioner registered his name in the District Employment office, Krishnagiri for securing employment as Pharmacist. The petitioner failed to renew the Employment registration from May, 1991 till July, 1995 and now he crossed the upper age limit. Therefore, the petitioner seeks direction to the third respondent to appoint the petitioner by relaxing the age limit.

2. Counter affidavit has been filed on behalf of the first respondent wherein it is stated that the petitioner registered his qualification on 14.5.1995 under registration No.2784 of 1985 at Krishnagiri Employment office. As per the procedure, the petitioner has to renew his registration during the month of May for every three years and he failed to renew his registration in 1991 and therefore, his registration was transferred to dead register. Again, the petitioner has registered his qualifications afresh in the office of the District Employment Office, Salem and his new registration on 24.7.1995 and the details are follows:

Name	K.Sengottaiyan
Registration No.	SLD 1995M00009659
Date of Birth	15.05.1964
Community	Most Backward Class
Address	21, Sekkara Street, Chinnamanali Idappadi Post, Salem District.



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Name	K.Sengottaiyan
Qualification registered with seniority	X01.10 (SSLC) SF 24.7.1995 X01.15 (HSC) SF 24.7.1995 076.20 (Pharmacy) SF 24.7.1995

According to the respondent, the petitioner has not renewed his registration from May 1991 to July 1995. The Government has given time concession for condonation of renewal for those who have failed to renew their registration. The petitioner failed to utilise the opportunity and again registered during 1995. Therefore, the petitioner's seniority counts from 24.7.1995. The petitioner made representation only on 26.6.2012 after a lapse of nearly 21 years to renew the registration for a period of 1992-2010.

3. In view of the statement made in the counter affidavit filed by the first respondent, there is no satisfactory reason assigned by the petitioner for not renewing his registration during the period 1991 to 1995. Further, the petitioner has made representation only on 26.6.2012 i.e. after a lapse of 21 years for which there is no satisfactory reason. Apart from this, there is no provision to include the petitioner's registration which was already removed from the register since the petitioner was not renewed his registration during the period 1991 to 1995. As such, there is no merit in the writ petition.

4. Consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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To

- 1 THE SECRETARY TO GOVT.,
GOVERNMENT OF TAMIL NADU, LABOUR AND EMPLOYMENT DEPARTMENT,
SECRETARIAT, CHENNAI-9.



2 THE SECRETARY TO GOVT., GOVERNMENT OF TAMIL NADU
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, CHENNAI-9.

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3 THE MEDICAL SERVICES RECRUITMENT BOARD,
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4 THE DIRECTOR OF MEDICAL EDUCATION,
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5 THE DIRECTOR OF MEDICAL AND RURAL HEALTH SERVICES
CHENNAI-6.

6 THE DIRECTOR OF PUBLIC HEALTH AND PREVENTIVE MEDICINE,
CHENNAI-6.

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SSV(CO)
SU(23/12/2021)