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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

WP.NO.16809 OF 2021

AND

WMP.NOS.17784&17786 OF 2021

[VIDEO CONFERENCING]

1.P.Nithinkumar

2.T. Gowri

.. Petitioners

Vs

1.The State of Tamil Nadu

Rep. By its Secretary,
Personnel and Administrative Reforms Department,
Secretariat, Chennai - 9.

2. The State of Tamil Nadu,

Rep. By its Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Director of Drugs Control,
Chennai 600 006.

4. The Secretary,

Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai - 600 003.

.. Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to prepare the seniority list for the purpose of promotion to the post of Senior Drugs Inspector and further promotion on the basis of merit (i.e.,) the marks they scored in the selection by TNPSC for appointment to the post of Drugs Inspectors without considering the communal roster points/order of communal rotation stimulated in the selection list prepared by the TNPSC for appointment to the post of Drugs Inspectors in the Tamil Nadu Medical Service, 2009-2010 & 2011-2012 and in accordance with law within a stipulated time.



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For Petitioners : Mr. Kamadevan

for Mr.P.Ganesan

For Respondents : Mr. C.Kathiravan for R1 to R3

Government Advocate

Mr. Karthi Rajan for R4

Standing Counsel for TNPSC

ORDER

1. By consent, the Writ Petition is taken up for final disposal and is disposed of by this order.
2. Mr. C.Kathiravan, learned Government Advocate, accepts notice on behalf of the respondents 1 to 3. Mr.Karthi Rajan, learned Standing Counsel, takes notice on behalf of the 4th respondent.
3. The petitioner has filed the present writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to prepare the seniority list for the purpose of promotion to the post of Senior Drugs Inspector and further promotion on the basis of merit (i.e.,) the marks they scored in the selection by TNPSC for appointment to the post of Drugs Inspectors without considering the communal roster points/order of communal rotation stimulated in the selection list prepared by the TNPSC for appointment to the post of Drugs Inspectors in the Tamil Nadu Medical Service, 2009-2010 & 2011-2012 and in accordance with law within a stipulated time..
4. Learned counsel for the petitioners would submit that the petitioners will be satisfied if a direction is issued to the respondents 1 and 2 to consider and pass orders on the petitioners' representations dated 25.02.2021 and 16.03.2021 in the light of the Order in WP.Nos.20449, 20451 and 20452 of 2015 dated 20.07.2021, within a stipulated time.
5. This Court heard the submissions of the learned Government Advocate and learned Standing counsel appearing for the respondents and perused the materials placed before it.
6. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the



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claim made by the petitioners, directs the respondents 1 and 2 to consider and dispose of the petitioners' representations dated 25.02.2021 and 16.03.2021 in the light of the Order made in WP.Nos.20449, 20451 and 20452 of 2015 dated 20.07.2021, within a period of four weeks, from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners herein.

7. The Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

gv

To

1. The Secretary,
The State of Tamil Nadu
Personnel and Administrative Reforms Department,
Secretariat, Chennai - 9.
2. The Principal Secretary to Government,
The State of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Director of Drugs Control,
Chennai 600 006.
4. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai - 600 003.

+1cc to M/S.P.Ganesh, Advocate, SR.No.40613

+1cc to Government Pleader, SR.No.41090

WP.No.16809 of 2021

and

WMP.Nos.17784 &17786 of 2021

PCH(CO)
PM(06/09/2021)