



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.32189 of 2014

and

M.P.No.1 of 2014

S.Wilson David

... Petitioner

Vs

1. The Chennai Corporation
Rep. by the Commissioner,
Chennai Corporation,
Chennai - 3.

2. The City Health Officer,
Rippon Building,
Chennai Corporation,
Chennai - 3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue appointment order to the petitioner on the basis of the CMLT Certificate possessed by him in pursuance of the call letter dated 03.02.2014 in Su.Thu.Na.Ka.No. C2/5555/2013 issued by the Chennai Corporation in the light of the earlier order passed by the 1st respondent and on the basis of his continuance in service from 1998 onwards.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Ms.M.Srividhya

For R1 & R2 : Mr.M.Ganesan

ORDER

According to the petitioner, pursuant to the memo issued by the first respondent on 03.02.2014 calling for the appointment to the post of Lab Technician, the petitioner appeared for certificate verification on 10.02.2014, but he was not considered as he is in possession of CMLT Grade I certificate and not DMLT certificate. Hence, he along with others filed WP.



(MD)No.10448 of 2014, which was disposed of, directing the respondents to consider the representation to be made by the petitioners therein, within a period of twelve weeks. Even thereafter, no action was forthcoming on the part of the respondent authorities.

2. The petitioner stated that he was appointed as Lab Technician for TB Programme, by the Chennai Corporation in the 1998 and has been working as such till date. It is the grievance of the petitioner that without considering the fact that the petitioner completed the CMLT course in the year 1991 and he has been working as Lab Technician from the year 1998 and without providing him appointment, the first respondent sent a call letter dated 29.11.2014 even to CMLT candidates for appointment to the post of Lab Technician with a condition that they should have completed two years course, which is arbitrary, illegal and violative of the principles of natural justice. With these averments, the petitioner has filed this writ petition seeking appropriate direction to the respondents to consider the candidature of the petitioner for appointment to the post in question.

3.The learned senior counsel for the petitioner submitted that though the petitioner is having CMLT certificate and he is eligible for appointment to the post of Lab Technician on par with DMLT holders on the basis of the proceedings of the Director of Medical Education dated 24.12.2012, he was not considered for appointment to the said post. He further pointed out that the Madurai Bench of this Court in W.P.(MD) No.10448 of 2014 by order dated 30.06.2014, already considered similar claim and directed the petitioner therein along with others, to make a representation which was directed to be considered by the respondents therein within a period of twelve weeks. Thus, the learned senior counsel fairly submitted that the petitioner may be granted liberty to approach the respondents with a fresh representation narrating all the details and the same may be directed to be considered by the respondents within a time frame to be fixed by this Court, for which, there is no serious objection on the side of the respondents.

4.The learned senior counsel also submitted that now, the CMLT candidates are also entitled for appointment to the post of Lab Technician subject to condition that they should have completed the said two years course, which was introduced only in the year 1996, whereas the petitioner completed the course in the year 1991, during which there was only one year course. Hence, the learned senior counsel prayed that the respondents may be directed to consider such aspect also while passing orders.



5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned senior counsel appearing for the petitioner, which appear to be bonafide, this Court permits the petitioner to make a fresh representation narrating all the details, within a period of two weeks from the date of receipt of copy of this order. On such representation being made, the respondents shall consider all the aspects and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks thereafter.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Commissioner, Chennai Corporation
Chennai Corporation, Chennai - 3.
2. The City Health Officer,
Rippon Building, Chennai Corporation,
Chennai - 3.

+1CC to Mr.M.Ganesan, Advocate, Sr.No.17920
+1CC to Ms.M.Srividhya, Advocate, Sr.No.17460

W.P.No.32189 of 2014

AK-II (CO)
K.RK. (26.07.2021)