



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Contempt Petition(MD).No.1096 of 2019

in

Writ Petition (MD).No.13673 of 2013

S.Venkatraman

.. Petitioner/2nd Petitioner

Vs.

1.Dr.Beela Rajesh,
The Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai.

2.Dr.Edwin Joe,
The Director of Medical Education,
Kilpauk,
Chennai.

.. Contemnors / 2nd and 3rd
Respondents

Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondents/contemnors for willfully disobeying the order passed by this Court in W.P.(MD).No.13673 of 2013 dated 03.02.2017.

Prayer in WP(MD). 13673/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the order passed by him in Ref.No. 52374/E5/1/2013 dated 26.07.2013 and quash the same to the extent of excluding the degrees, diplomas and post graduate degrees granted by the 4th Respondnet University for consideration of the petitioners for appointment/promotion to the post of Non Medical Assistant to the Professor of Bio Chemistry or Bio Chemist or Librarian in case of possessionof B.L.I.S., from the cadre of Lab Supervisor/Non Medical Demonstrator and direct the respondents to include the Vinayaka Missions University in the List of Universities given under Schedule II Rule 19 of the Tamil Nadu State and subordinate service Rules immediately and consequently consider the petitioners for promotion / appointment to the post of Non-Medical Assistant to the professor of Bio Chemistry (or)Bio-chemist (or) Librarian Grade-I as far as the 3rd petitioner is considered for the year 2012-2013 atleast and promote them to the said post.

For Petitioner : Mr.D.Selvanayagam



For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

ORDER

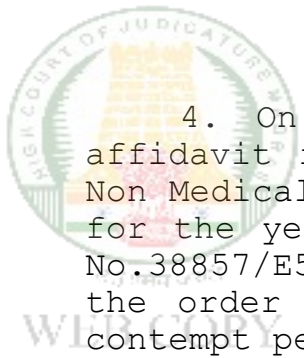
For non-compliance of the order of this Court dated 03.02.2017, this contempt petition has been filed.

2. This Court by its order dated 03.02.2017 in W.P.(MD). No.13673 of 2013, issued a direction to the respondents herein, particularly, in respect of the consequential prayer of mandamus for consideration of the candidature of the petitioners for the promotion to the post of Non Medical Assistants to the Professor of Bio-Chemistry or Biochemists is concerned, since the petitioners acquired the qualifications as prescribed for the said post, which includes PG qualification in M.Sc., Chemistry, their candidature also can be considered along with the other eligible candidates and while considering the same, it is for the official respondents to verify, whether the degree awarded by the fourth respondent University to the petitioners, especially, the degree of M.Sc., Biochemistry is valid or not.

3. For compliance of the above said order in which the respondent filed counter affidavit particularly, in paragraph Nos.10 and 11 reads as follows:

"10. I submit that the petitioner Thiru.S.Venkatraman, herein has already been promoted as Non Medical Assistant to the Professor of Bio-Chemistry in the panel for the year 2016-2017 as per the existing rules vide proceedings No.38857/E5/1/201-26, dated 26.12.2016.

11.I submit that so far no panel for the post of Bio-chemist has been drawn till date and the validity of the degree awarded by the Vinayaga Missions University, Salem could not be verified, since the Hon'ble High Court of Madras in its order dated 23.11.2018 in the aforesaid W.P.No.30557 of 2018 has granted status quo till further orders and the said case has not been taken up for hearing. In this regard, necessary action is being taken by the Government to vacate the status quo."



4. On perusal of the above paragraph No.10 of the counter affidavit reveals that the petitioner has already been promoted as Non Medical Assistant to the Professor of Bio-chemistry in the panel for the year 2016-2017 as per the existing Rules, vide proceedings No.38857/E5/1/201-26, dated 26.12.2016 dated 26.12.2016. Hence, the order in question is complied with. Recording the same, this contempt petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai.

2.The Director of Medical Education,
Kilpauk,
Chennai.

+1 CC to M/s.GP (SR-3506[F] dated 05/02/2021)

Cont.P.(MD).No.1096 of 2019 in
W.P (MD).No.13673 of 2013
04.02.2021

kvn(CO)
KK(24.02.2021) 3P 4C