



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.6790 of 2018

and

W.M.P. (MD) .No.6500 of 2018

K.Perumal

... Petitioner

vs.

The Joint Director,
Health and Preventive Medicine,
Madurai/

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to appoint the petitioner to the post of Multi Purpose Hospital Worker within the time frame fixed by this Court.

For Petitioner : Mr.R.V.Rajkumar
For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader

O R D E R

Heard Mr.R.V.Rajkumar, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents.

2. The petitioner was sponsored by the District Employment Office for the post of Multipurpose Hospital Worker. Out of a total of 136 names so forwarded, he claims that he was fully qualified to the post, but unfortunately and despite good performance in all stages of the process did not receive an order of appointment.

3. He has thus sought a Mandamus directing the respondent to appoint him to the post of Multipurpose Hospital Worker within a fixed time frame.

4. He has sought information by way of Right to Information Act (RTI Act), that reveals that in addition to the three vacancies that were not filled at the time of recruitment, there are two additional vacancies as on date, in all five vacancies, and to one of which, he



claims entitlement.

5. The respondent / Joint Director of Health and Preventive Medicine has filed a counter to the effect that the petitioner has crossed the age of 32 years and this was the reason why he was found ineligible for the post.

6. Learned counsel for the petitioner relies upon a Government Order in G.O.(Ms).No.21, Labour and Employment Department, dated 02.02.2000, that, according to him, sets out a methodology providing for relaxation in the age limit.

7. Since the petitioner has filed representation dated 03.01.2018 raising this issue as well as other contentions, and seeking the same relief as sought for in this writ petition, let the petitioner be heard and a speaking order be passed on the claim of the petitioner within a period of eight weeks from today. In doing so, the authority will take note of all relevant Government Orders, Regulations.

8. The contention of the respondent as set out in letter in Na.Ka.No.9702/A8/2021, dated 14.12.2020, to the effect that there is no vacancy for the particular category under which the petitioner seeks employment, will also be considered by the respondent in the course of disposing the representation.

9. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

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

The Joint Director,
Health and Preventive Medicine,
Madurai.

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-39152[F] dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-38871[F] dated 15/12/2021)

ORDER MADE IN
W.P. (MD) .No. 6790 of 2018
14.12.2021

MMS (CO)

TR(01.02.2022) 3P 4C