

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.8573 OF 2022

AND

W.M.P.NOS.8483, 8485 & 8486 OF 2022

Dr.Venkatesan

...Petitioner

Vs.

1.State

Represented by the Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

2.The Medical Service Recruitment Board,

Represented by its Member Secretary,
DMS Building, Teynampet,
Chennai - 600 106.

3.The Director,

Indian Medicine and Homeopathy,
Chennai - 600 106.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, to call for the records relating to proceedings bearing Na Ka No. 15130/N1/2/2008 Directorate of Indian Medicine and Homeopathy dated 10.03.2022 on the file of the third respondent to quash the same and consequently direct the respondents herein to hold the selection process for the posts of 38 Assistant Medical Officers through the second respondent as per adhoc rules.

For Petitioner : Mr.S.Rajendrakumar

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader
for R1 & R3
Mr.M.Loganathan,
Standing Counsel for R2
Mr.P.Godson Swaminath
for proposed respondents.

ORDER

This writ petition is filed for the issuance of a writ of Certiorarified Mandamus, to call for the records relating to proceedings bearing Na Ka No. 15130/N1/2/2008 Directorate of Indian Medicine and Homeopathy dated 10.03.2022 on the file of the third respondent to quash the same and consequently direct the respondents herein to hold the selection process for the posts of 38 Assistant Medical Officers through the second respondent as per adhoc rules.

2. This Court has passed an order in W.P.No. 9043 of 2022 as follows:

'In view of the above submissions made by the parties, this Court is of the view that it is for the respondents to consider and take appropriate decision at this stage. Therefore, considering the limited scope of the prayer, without going into the merits of the case, this Court is inclined to direct the third respondent to consider the representation dated 09.11.2021 of the petitioner and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. If it is necessary, authorities concerned to give opportunity to the aggrieved persons.'

3. Subject to the outcome of the said order passed by the third respondent in the above writ petition, thereafter, it is for the respondents to consider and take appropriate decision, to proceed with selection process.

4. With the above directions, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

mrn

To

1.The Secretary to Government,
State
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Medical Service Recruitment Board,
Represented by its Member Secretary,
DMS Building, Teynampet,
Chennai - 600 106.

3.The Director,
Indian Medicine and Homeopathy,
Chennai - 600 106.

+1cc to Mr.S.Rajendrakumar, Advocate Sr.No.35594

W.P.No.8573 of 2022
and

W.M.P.Nos.8483, 8485 & 8486 of 2022

JPL(CO)
RVM(12/07/2022)