



WP No.33179 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 14-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

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And

WMP Nos.36588 to 36591 of 2017

1.Dr.A.Prabhuraj
2.Dr.P.Ananthakrishnan
3.Dr.S.Sivaraj
4.Dr.R.Poornakala
5.Dr.Yogasathya
6.Dr.K.Anand
7.Dr.M.Nachiappan

..

Petitioners

VS.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai – 600 010.

3.The Director of Medical and Rural Health Service,
Anna Salai, DMS Compound,
Teynampet, Chennai – 600 006.

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4.The Director of Public Health and Preventive Medicine,
Anna Salai, DMS Compound,
Teynampet,
Chennai – 600 006.

5.The Member Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Building,
No.539, Anna Salai,
Teynampet,
Chennai – 600 006.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from filling up the post of Senior Resident/Assistant Professor in Tamil Nadu Medical Service contrary to Service Rules by appointing candidates selected to the temporary post of Assistant Surgeon (Speciality) under walk-in-selection, not a regular member of service nor assigned with Civil Medical List (CML) seniority and consequently to direct the respondents to declare the post held by candidates selected to the temporary post of Assistant Surgeon (Speciality) as vacant to be filled up with regular Medical Officers including the petitioner based on CML seniority.

For Petitioners : Mr.G.Sankaran

For Respondents-1 to 4 : Mr.U.M.Ravichandran,
Special Government Pleader.



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For Respondent-5

: No Appearance

ORDER

The relief sought for in the present writ petition is to the respondents from filling up the post of Senior Resident/Assistant Professor in Tamil Nadu Medical Service contrary to Service Rules by appointing candidates selected to the temporary post of Assistant Surgeon (Speciality) under walk-in-selection, not a regular member of service nor assigned with Civil Medical List (CML) seniority and consequently to direct the respondents to declare the post held by candidates selected to the temporary post of Assistant Surgeon (Speciality) as vacant to be filled up with regular Medical Officers including the petitioner based on CML seniority.

2. The learned Special Government Pleader, appearing on behalf of the respondents 1 to 4, made a submission that during the pendency of the present writ petition, all the posts were filled up and the incumbents had already joined in the post and are working in the



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Department.

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3. At the time of filing of the present writ petition, the posts were not filled up and therefore, the writ petitioners were constrained to move the present writ petition, seeking the relief to forbear the respondents from filling up the posts.

4. Now the posts were filled up through candidates and under these circumstances, if any grievance exists in respect of the grounds raised in the present writ petition, the petitioners have to necessarily initiate action in respect of the appointments made and proceed in accordance with law.

5. Thus the relief as such sought for in the present writ petition lost its relevance and such a prayer sought for by the petitioners now at this length of time, cannot be granted. Therefore, the petitioners are at liberty to redress their grievances in the manner known to law.



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6. With the abovesaid liberty, the present writ petition stands closed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai – 600 010.
3. The Director of Medical and Rural Health Service,
Anna Salai, DMS Compound,
Teynampet,
Chennai – 600 006.
4. The Director of Public Health and Preventive Medicine,
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5.The Member Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Building,
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