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W.P.No.34432 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34432 of 2022
and
W.M.P.No.33885 of 2022

Dr.Alen Major Venis

... Petitioner

Vs.

1.Director of Public Health and Preventive Medicine,
Rep. by Director, DMS Complex,
Anna Salai, Teynampet, Chennai - 600 006.

2.The Chairman,
The Medical Services Recruitment Board,
359, DMS Complex, Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai - 600 006.

3.The Dean, ESI Medical College and Hospital,
Ashok Pillar Road, KK Nagar, Chennai - 600 078.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to issue NOC and relieving order as prayed for in petitioner's letter dated 22.10.2022, within a short time frame.

For Petitioner : Mr.Srinath Sridevan



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For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1 and R3

Mr.M.Loganathan
Standing Counsel - MRB
for R2

ORDER

This Writ Petition has been filed for a mandamus, seeking for a direction to the first respondents to issue NOC and relieving order as prayed for in the petitioner's letter dated 22.10.2022 within a short time frame to be fixed by this Court.

2. The petitioner is aggrieved by the non issuance of NOC and relieving order by the first respondent under whom the petitioner is presently working. The petitioner has now got employment in the ESI Medical College and Hospital, the third respondent herein. However, the grievance of the petitioner is that she has been unable to join the said Hospital due to the non issuance of NOC and relieving order by the first respondent.



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3. The petitioner has given a representation on 22.10.2022, seeking for issuance of NOC and relieving order from the first respondent. Since the representation has not been considered till date, the petitioner has filed this Writ Petition.

4. Heard, Mr.Srinath Sridevan, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of R1 and R3 and Mr.M.Loganathan, learned Standing Counsel (MRB) accepts notice for R2.

5. No prejudice would be caused to the respondents if the petitioner's representation stated supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. This Court is of the considered view that considering the fact that the petitioner has already got employed in the third respondent Hospital, the representation of the petitioner will have to be considered within a period of one week from the date of receipt of a copy of this order. The petitioner's interest will also have to be protected by directing the third respondent to



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not give employment to any other person in the subject post till final orders are passed by the first respondent on the petitioner's representation referred to supra.

7. For the foregoing reasons, this Court directs the first respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 22.10.2022, seeking for issuance of NOC and relieving order, within a period of one week from the date of receipt of a copy of this order. The third respondent is also restrained from employing any other person apart from the petitioner with regard to the subject post till final orders are passed by the first respondent.

8. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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