



WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017**

And

**WMP Nos.31943, 31944, 33547, 33548, 34582, 34583,
35551 to 35554, 35556 to 35559, 38169 to 38171 of 2017**

And

244 of 2018

WP No.29647 of 2017

1.Dr.R.Sudhakar
2.Dr.J.Senthilkumar
3.Dr.K.Selvaraju
4.Dr.S.Nanthakumar
5.Dr.E.S.Amarnath
6.Dr.A.Balakrishnan
7.Dr.T.Manivannan
8.Dr.V.Arun

..

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.



WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

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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,
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.

6.Dr.A.Senthilkumar
[R-6 impleaded vide order of Court
dated 09.03.2018 made in WMP No.35756
of 2017 in WP No.29647 of 2017]

7.Dr.I.Lalith Kumar
[R-7 impleaded vide order of Court
dated 09.03.2018 made in WMP No.35757
of 2017 in WP No.29647 of 2017] ..

Respondents



WP Nos.29647, 30636, 31484, 32294,
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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 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 fill up the post of Senior Resident/Assistant Professor in Director of Medical Education (DME) side as per Service Rules based on annual transfer counselling to be conducted every year.

For Petitioner in all WPs : Mr.G.Sankaran

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

For Respondent-5 in all WPs : Mr.M.Loganathan,
Standing Counsel for MRB.

For Respondents-6 and 7 in
WP No.29647 of 2017 : Mr.G.R.M.Palaniappan



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WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

COMMON ORDER

The relief sought for in these writ petitions is to forbear the respondents 1 to 5 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 fill up the post of Senior Resident/Assistant Professor in Director of Medical Education (DME) side as per Service Rules based on annual transfer counselling to be conducted every year.

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



WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

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3. At the time of filing of these writ petitions, the posts were not filled up and therefore, the writ petitioners were constrained to move these writ petitions, 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 these writ petitions, 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 all these writ petitions lost its relevance and such a prayer 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.



WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

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6. With the abovesaid liberty, all the writ petitions stand closed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also closed.

10-11-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

WEB COPY

To

- 1.The Principal Secretary to Government,
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Health and Family Welfare Department,
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Chennai – 600 009.
- 2.The Director of Medical Education,
Kilpauk,
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WP Nos.29647, 30636, 31484, 32294,
32295, 32297, 32298 and 34299 of 2017

S.M.SUBRAMANIAM, J.

Svn

32298

WPs 29647, 30636, 31484,
32294, 32295, 32297,

and 34299 of 2017

10-11-2022

8/8