



W.P(MD)No.5449 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5449 of 2020

and

W.M.P.(MD)Nos.4752, 4753, 4754 & 4755 of 2020

- 1.P.Tamilselvi
- 2.S.Esopian Kumr
- 3.S.Nagarajan
- 4.S.Kiruba Jasmine
- 5.K.Muthumai
- 6.P.Rajathi
- 7.M.Muthukumar
- 8.N.Raj
- 9.M.Ranjithkumar
- 10.F.John Victor
- 11.G.Maheswaran
- 12.R.Maheswari
- 13.G.Meentachi
- 14.T.Sivachandran

... Petitioners

Vs.



W.P(MD)No.5449 of 2020

1. The State of Tamil Nadu
rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai-600 009.
2. The Director of Medical Education,
Kilpauk, Chennai-600 010.
3. The Director of Medical & Rural Health Services,
DMS Building,
359, Anna Salai, Teynampet,
Chennai-600 006.
4. The Director of Public Health Services,
DMS Building,
359, Anna Salai, Teynampet,
Chennai-600 006.

5. K. Rajaganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records on the file of the 1st respondents in connection with the impugned Government Order issued in G.O.Ms.No.412 Health and Family Welfare (C2) Dept. dated 13.09.2019 and consequential temporary promotion order issued by the 3rd respondent in his impugned proceedings in Ref. No. 58120/E5(2)/2/2019 dated 28.02.2020 and quash the both as illegal and unconstitutional and direct the respondents 1 to 4 to appoint only 2 years Diploma holders in Radio Diagnosis Technology for the post of Radiographer in the light of the amendment brought in G.O.(MS) No. 263, Health and Family Welfare (C2) Dept. dated 15.11.2016 and thereby, consider our case for the post of Radiographer within the time limit that may be stipulated by this Court.



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For Petitioners : Mr.G.Thalaimutharasu

For R1 to R4 : Mr.A.K.Manikkam
Special Government Pleader

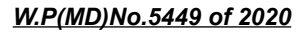
ORDER

Heard the learned counsel on either side.

2. The petitioners are having educational qualification for being appointed to the post of Radiographer. Their grievance is that a batch of 200 Dark Room Assistants were given promotion to the said post, even though their probation was not declared during the relevant time and by relaxing the essential educational qualification.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioners submitted that the petitioners will be satisfied, if they are considered against the direct recruitment vacancies.

4. On instructions, the learned Special Government Pleader states that at present, vacancies in the post of Radiographer are available to be filled up by direct recruitment.



6. The learned Special Government Pleader would however contest the said assertion. He would further add that even if the petitioners have been included in the waiting list, the validity of the list has since expired.

7. I do not want to go into the factual controversy. If the petitioners are eligible, they shall be considered by the third respondent. If the validity of the list has already expired, the petitioners will have to necessarily take part only in the next recruitment process.

8. With this observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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