



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.10043 of 2022

and

W.M.P.[MD]No.7166 of 2022

WEB COPY

1.K.M.Karthikeyan

2.S.Yocob

... Petitioners

/Vs./

1.The Chairman,
O/o., Tamil Nadu Pollution Control Board,
Chennai.

2.The Director,
O/o., Director of Forensic Sciences Department,
Chennai.

3.The Deputy Director,
O/o., Deputy Director,
Regional Forensic Science Laboratory,
Ramanathapuram, Ramanathapuram District.

4.The Deputy Director,
Chemistry Division,
Forensic Sciences Department,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of MANDAMUS to direct the respondents 2 to 4 to relieve the petitioners from the post of Junior Scientific Officer so as to enable the petitioners to join in the first respondent department as Environmental Scientist in pursuance of the provisional selection list dated 26.04.2022 within the period that may be stipulated by this Court.

For Petitioners : Mr.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.A.Kannan
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents 2 to 4 to issue relieving orders to the petitioners to enable them to join the first respondent Department as Environmental Scientists, pursuant to the provisional selection list dated 26.04.2022.

2.The petitioners are presently working as the Junior Scientific Officers with the Forensic Sciences Department, which is under the control of the second respondent. Both of them have got selected as Environmental Scientists with the first respondent. The appointment orders have also been issued in favour of the respective petitioners and the same have also been enclosed along with this writ petition.

3.However, the relieving orders have not been issued by the Forensic Sciences Department, Chennai, to enable the petitioners to join employment as Environmental Scientists with the first respondent. The provisional selection list dated 26.04.2022 issued by the first respondent, discloses that the petitioners have been provisionally selected as Environmental Scientists, which is also enclosed along with this writ petition. As per the provisional list dated 26.04.2022, the petitioners will have to join employment initially on 04.05.2022, which was extended thereafter upto 17.05.2022.

4.The learned counsel appearing for the petitioners now submits that still the positions allotted to the petitioners for employment are available and the first respondent has not closed the petitioners' employment. According to the petitioners, the only ground raised by the Forensic Sciences Department for not relieving the respective petitioners is that there is a shortage of staff in their Department.

5.This Court is of the considered view that such a ground cannot be taken, which affects the fundamental right of the petitioners to get employment for their better prospects. Therefore, a positive direction will have to be granted in favour of the petitioners to direct the respondents 2 to 4 to issue relieving orders to the respective petitioners subject to the condition that the petitioners shall satisfy all the necessary requirements for obtaining relieving orders from the Forensic Sciences Department.

6.In the result, this writ petition is allowed by directing the respondents 2 to 4 to issue the relieving orders to the respective petitioners subject to the condition that the respective petitioners shall satisfy all the requirements for obtaining relieving orders, within a period of one (1) week from the date of receipt of a copy



of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Chairman,
O/o., Tamil Nadu Pollution Control Board,
Chennai.
- 2.The Director,
O/o., Director of Forensic Sciences Department,
Chennai.
- 3.The Deputy Director,
O/o., Deputy Director,
Regional Forensic Science Laboratory,
Ramanathapuram, Ramanathapuram District.
- 4.The Deputy Director,
Chemistry Division,
Forensic Sciences Department, Chennai.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-23993[F] dated 20/05/2022)

+1 CC to M/s.SPL.GP (SR-24086[F] dated 23/05/2022)

W.P. [MD]No.10043 of 2022

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RD(20.06.2022) 3P 8C