



W.P(MD)No.21661 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21661 of 2022

and

W.M.P.(MD)Nos.15796, 15798 & 15800 of 2022

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... Petitioner

Vs.

1.The Mission Director,
State Health Mission,
Chennai.

2.The Director of Public Health and Preventive Medicine,
Chennai.

3.The District Collector / District Health Society,
Tiruchirappalli,
Tiruchirappalli District.

4.The District Collector /District Health Society,
Madurai,
Madurai District.

5.The Deputy Director of Health Services,
Tiruchirappalli,
Tiruchirappalli District.

6.The Deputy Director of Health Services,
Madurai, Madurai District.

7.J.Illaiya Suriya

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the appointment order of the seventh respondent passed by the fifth respondent in his proceedings in R.No.1876/A5/2021, dated 09.03.2022 and set aside the same as arbitrary and illegal and consequently permit the petitioner to continue as District Consultant at Tiruchirappalli TOBACCO Control Cell.

For Petitioner : Mr.K.Balasundaram

For R1 to R6 : Mr.DS.Nedunchezian
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 6.

2. The petitioner was appointed as District Consultant / TOBACCO Control Programme in Madurai. She was later transferred to Trichy. The said diversion order was however later recalled. Questioning the same, the petitioner filed W.P.(MD)No.6021 of 2022. The said writ petition was dismissed on 17.08.2022. As a result of the dismissal of the writ petition, the petitioner can no longer claim to be the District Consultant / TOBACCO Control Programme, Trichirappalli. The petitioner of-course is entitled to question the order dated 17.08.2022 by filing a writ appeal. In the meanwhile,



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the seventh respondent has been appointed in the place of the writ petitioner.

The said appointment is questioned in this writ petition.

3. I am afraid that this writ petition may not be maintainable. The appointment of the seventh respondent in the place of the writ petitioner is a direct consequence of the dismissal of her writ petition. The petitioner has to necessarily obtain relief only in the writ appeal which she may possibly file against the order dated 17.08.2022. No relief can be granted in this writ petition.

4. Leaving open the other rights and remedies of the writ petitioner, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2022

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

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To

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- 3.The District Collector / District Health Society,
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- 4.The District Collector /District Health Society,
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Madurai District.
- 5.The Deputy Director of Health Services,
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- 6.The Deputy Director of Health Services,
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