



Cont.P.No.284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Contempt Petition No.284 of 2023

1. A.K.Venkitachalam
2. J. Jeyapaul
3. S. Musthafa Khan

... Petitioners

Vs.

1. Dr.P.Senthil Kumar
Principal Secretary to Government
Health and Family Welfare Department,
Secretariat,
Chennai 600 009.
2. Dr.Gurunathan
The Director of Medical and Rural Health Services,
7th floor, D.M.S.Building,
359, Anna Salai,
Chennai 600 006.
3. Dr.T.S.Selvavinayagam
The Director of Public Health and
Preventive Medicine,
D.M.S.Campus,
Teynampet,

Chennai 600 006.

4. Mr.A.R.Gladstone Pushparaj

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The Chairman,
Medical Services Recruitment Board,
7th floor, D.M.S.Building
359, Anna Salai,
Chennai 600 006.

... Respondents

Contempt Petition filed under Section 11 of Contempt Act, 1971,
praying to punish the respondent for willful and disobedience to
the order dated 14.02.2022 passed in W.P.No.17238 of 2021 on the file of
this Court.

For Petitioner : Mr.W.R.Subhashini

For Respondents : Mr.S.Silambanan
Additional Advocate General II
Asst.by Mr.Babu Barveez
Government Advocate for R1 to R3
Mr.R.Loganathan for R4

ORDER

The present Contempt Petition has been filed by the petitioner alleging
non-compliance of the order of this Court passed in W.P.No.17238 of 2021
dated 14.02.2022.

2. Heard the learned counsel for the petitioner and Mr.S.Silambanan,
learned Additional Advocate General-II Assisted by Mr.Babu Barveez,

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learned Government Advocate appearing for the respondents R1 to R3 and learned counsel appearing for the 4th respondent.

3. Today, the respondents 1 to 4 herein appeared before this Court pursuant to the statutory notice dated 27.06.2023 and their appearance are dispensed with.

4. When this Contempt Petition was taken up for consideration, Mr.S.Silambannan, learned Additional Advocate General - II Assisted by Mr.Babu Barveez, learned Government Advocate appearing for the respondents 1 to 3 submitted that the above said order of this Court had been complied with by the respondents herein, in proof of which, a copy of the Government Order in G.O.(Ms).No.276, Health and Family Welfare (C2) Department, dated 01.09.2022 which amended the adhoc-rules for the post of Ophthalmic Assistant was produced before this Court after duly serving it on the learned counsel for the petitioner.

5. He further submitted that the Medical Services Recruitment Board (MRB) came into force only in the year 2012 and the direction of this Court



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dated 30.04.2008 in W.A.No.39 of 2008 confirming the order in W.P.No.8285 of 2007 dated 12.12.2007 to consider the claim of the petitioners for appointment of Ophthalmic Assistants in Primary Health Centres or in other Government Medical Institutions in the existing vacancies, pertains to the year 2008. He further submitted that the Medical Recruitment Board has issued a Notification No.02/MRB/2023 dated 17.02.2023 to fill up vacancies to the post of Ophthalmic Assistant in Tamil Nadu Medical Subordinate Service and the petitioners have already applied for the same.

6. Since the order of this Court dated 14.02.2022 had been complied with by the respondents, nothing further survives for consideration in this Contempt Petition. Accordingly, this contempt petition is closed.

25.07.2023

Speaking (or) Non Speaking Order

Index : Yes/ No

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