



WEB COPY



W.P.No.9776 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.9776 of 2015

and

M.P.No.1 of 2015

K.Rajkumar

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600009.

2. The Director of Medical Education,
Kilpauk, Chennai-10.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to consider the case of the petitioner for appointment to the post of Tutor/Lecturer based on the qualification fixed by the Pharmacy Council of India in its notification dated 11.11.2014 as claimed in his representation dated 23.3.2015.

For Petitioner	: Mr.A.R.Suresh
For Respondents	: Mr.R.U.Dinesh Raj Kumar Additional Government Pleader



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ORDER

WEB COPY This writ petition is filed seeking for a mandamus directing the respondents to consider the case of the petitioner for appointment to the post of Teacher /Lecturer based on his qualification as fixed by the Pharmacy Counsel in India as per its notification dated 11.11.2014 as claimed in his representation dated 23.03.2015.

2. Learned counsel for the petitioner as well as learned counsel for the respondents are present.

3. It is submitted in the affidavit filed by the petitioner that the petitioner was appointed as Pharmacist on compassionate grounds under Tamil Nadu Medical Subordinate Services as per the proceedings of the Director of Public Health and Preventive Medicines in R.No.27492/PHCs/VII/A2 dated 09.06.2000. The petitioner has undergone the B.Pharmacy Course on the lateral entry scheme as accorded in G.O.(D) No.475, Health and Family Welfare (PME) Department dated 13.05.2011 and also the petitioner was selected and allotted to undergo the B.Pharm., lateral entry level course for the year 2011-12. Based on the Selection Committee's order, the petitioner pursued the course in Bachelor in



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Pharmacy from Madras Medical College and completed the same in August of 2014.

4. As per the notification of Pharmacy Counsel of India dated 11.11.2014, the petitioner became eligible to apply for the post of Lecturer in Diploma Courses. The petitioner made a representation to the respondents on 23.03.2015 to consider petitioner for appointment to the post of Tutor in the light of Pharmacy Council of India notification mentioning that the he has got all the requisite qualifications. It is further submitted that though, 28 posts of Tutor in Pharmacy are vacant, petitioner's request to appoint him has not been considered. Therefore, sought for suitable directions to the respondents to consider the representation dated 23.3.2015.

5. The learned counsel appearing for the respondents has not filed the counter affidavit. Leaving aside the merits of the case whether the petitioner is eligible for the appointment or not since the representation has already been submitted to the respondent dated 23.02.2015 seeking for his appointment by transfer to the post of Tutor in Pharmacy, the respondent should have considered the representation and suitably answered the same



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based on the rules in force. It is clear that since the respondents have not responded to the representation of the petitioner, the petitioner was constrained to approach this Court and file a writ petition.

6. In view of the submissions made by both the sides and considering the records submitted before this Court, this writ petition stands **disposed off**, directing the respondents to consider the representation of the petitioner dated 23.3.2015, as quickly as possible and reply the petitioner not later than four (4) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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Dr.D.NAGARJUN. J.,

(sha)

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