



W.P.No.31183 of 2016

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.31183 of 2016

A.Senkathir

.. Petitioner

Vs.

1. The Government of India
Rep. by its Secretary to Government
Ministry of Health & Family Welfare
Nirman Bhavan, Moulana Azad Road
New Delhi 110 011.
2. The Government of India
Rep. by its Secretary to Government
Ministry of Personnel, Public Greivances & Pensions
Department of Personnel & Training
North Block
New Delhi 110 001.
3. The Chairman
Union Public Service Commission
Tholpur House
Shahjahan Road
New Delhi 110 069.



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4. The Director General of Health Services
FDA Bhavan, ITO
Kotla Road
New Delhi 110 002.
5. The Drugs Controller General of India
Food & Drugs Administration Bhavan
ITO, Kotla Road
New Delhi 110 002.
6. The Deputy Drugs Controller (I)
Zonal Office
Haddows Road, Shastri Bhavan Annex
Nungambakkam
Chennai 600 034.
7. Sanjeev Kumar
8. Swati Shrivatsava .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration declaring that the Central Drugs Standard Control Organisation [Deputy Drug Controller (I)] Recruitment Rules, 1990 as ultra vires, illegal and unconstitutional in so far as prescription of qualification for promotion to the post of Deputy Drug Controller (I) and consequently directing the respondents to notify the amended Recruitment Rules approved by Union Public Service Commission and to promote the Petitioner to the post of Deputy Drug Controller (I) based on such eligibility and seniority on par with juniors with all consequential and other attendant benefits including arrears of salary.



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For the Petitioner : Mr.J.Jayamallan
For Mr.S.Balasubramanian

For the Respondents : Mr.C.Samivel, SPCGSC
for Respondents 1, 2 & 4 to 6

Mr.R.Vijayakumar
For Mr.Priya Kumar
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Jayamallan, learned counsel for the petitioner, Mr.C.Samivel, learned Senior Panel Central Government Standing Counsel for the respondents 1, 2 and 4 to 6 and Mr.R.Vijayakumar, learned counsel for the third respondent.

2. The petitioner is challenging the Central Drugs Standard Control Organisation [Deputy Drug Controller (I)] Recruitment Rules, 1990.

3. It is submitted that the said Rules have undergone further amendment. The petitioner is promoted in June, 2021.



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4. Learned counsel for the petitioner submits that the petitioner is seeking promotion from an earlier date. He submits that the petitioner may be given liberty to raise the plea that he is entitled to promotion from an earlier date, in an independent proceedings.

5. As the main challenge to the validity of the provision has been rendered infructuous, in view of the subsequent amendment, the writ petition is disposed of. The petitioner may raise the plea with regard to the due date of promotion, as may be permissible under law, in an appropriate proceedings. There will be no order as to costs. Consequently, WMP Nos.27034 and 27035 of 2016 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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