



W.P.No.36158 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.36158 of 2016

and WMP No.31109 of 2016

P.Irusakounder

...Petitioner

Vs.

1. The Chief Medical Officer,
Veterinary Multi Speciality, Hospital,
Bretts Road,
Salem - 1

2. The Regional Joint Director,
Animal Husbandry Department,
Salem -1

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent made in Na.Ka.No.159/2012 dated 05.10.2016 to quash the same.

For Petitioner : Mr.C.Prabakaran

**For Respondents : Mr.D.Gopal
Government Advocate for R1 and R2**



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ORDER

The petitioner was appointed as a Radiographer in the 1st respondent / Veterinary Multi Speciality Hospital under Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Service Rules. The appointment was purely temporary in nature and through the impugned order dated 05.10.2016, his service was terminated. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that no enquiry was conducted prior to such termination.

3. Per contra, the learned Additional Government Pleader submitted that the training certificate submitted by the petitioner herein was found to have been obtained from an unapproved institute and therefore, they were constrained to terminate the service.



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4. It is not in dispute that the petitioner's appointment was temporary in nature under Rule 10 (a) (1) of the Rules. After the appointment of the petitioner herein, his training certificate was sent for scrutiny to the Government and by the report of the Director of Medical Education dated 03.10.2016, the training certificate issued from Thendral Institute of Para medical Sciences, Salem was found to be from an unapproved institute. While that being so, terminating the service of the petitioner, who was only on temporary appointment under 10 (a) (1) of the Rules cannot be found fault with.

5. In case, the petitioner is of the view that the training certificate obtained from Thendral Institute of Para medical Sciences, is one among the listed institutes, which is approved by the Government, liberty is hereby granted to the petitioner to approach the respondents seeking for reconsideration.



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6. As such, the reasoning adopted by the respondents terminating the petitioner cannot be found fault with. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

20.02.2023

rka

Index:Yes/No

Internet:Yes/No

To

1. The Chief Medical Officer,
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2. The Regional Joint Director,
Animal Husbandry Department,
Salem -1

M.S.RAMESH, J.,

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