



W.P.No.18296 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.18296 of 2020

P. Krishnan

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary,
Health and Family Welfare Department
Chennai.
2. The Commissioner
Department of Employment and Training
Alandur Road,
Guindy.
3. The Medical Services Recruitment Board
Rep. by its Member Secretary
7th floor, D.M.S.Buildings
359, Anna Salai, Teynampet,
Chennai 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 and 3 herein to consider the petitioner's representation dated 06.10.2020



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within a time fixed by this Court.

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For Petitioner : Mr.M.Habeeb Rahman

For Respondents : Mr.M.Shajahan
Spl. Government Pleader for R1 & R2

ORDER

The petitioner has filed this petition seeking direction to the respondents 1 & 3 herein to consider the petitioner's representation dated 06.10.2020.

2. The case of the petitioner is that the petitioner viz., P.Krishnan completed Bachelor of Physiotherapy in the year 1997 from Government College of Physiotherapy, Trichy and in the year 2005 completed M.Sc., (Hospital Administration) and in the year 2008 completed M.Phil Management. Thereafter, he completed Master of Physiotherapy and registered all his degrees in the employment exchange and renewed the same periodically without any default vide Registration Number CHP1997M00015252 dated 19.12.1997. In the year 2010 and 2012 the 1st and 2nd respondents herein invited applications for the post of Physiotherapist



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Grade-II from the Employment office/2nd respondent herein and in which his seniors got selected and presently they are serving in the Government post. In the year 2014, the 1st and 3rd respondents herein recruited Physiotherapist on consideration of employment seniority vide notification No.2/MRB/E4/2014 dated 21.02.2014. Further the petitioner belongs to Scheduled Caste community and by then he is the senior most member in the employment exchange list for selection. The 1st and 3rd respondents herein through the 2nd respondent employment office proposed to fill 34 posts of Physiotherapists, out of which 32 posts were filled by that time itself through employment office seniority and two posts were kept vacant vide notification No.2/MRB/E4/2014 dated 21.02.2014 due to the pendency of writ petitions before Madurai Bench of Madras High Court in W.P.(MD).No.4482 of 2012 and W.P.(MD).No.2259 of 2014. The above said two vacant posts comes under turn No.115 and 116 of roster system. The petitioner belong to Scheduled Caste Community and eligible and senior most person for the above post in Turn No.116 (Allocated for SC category). The petitioner ought to have been appointed in the above Turn in roster system by that time itself, whereas the 1st and 3rd respondents herein orally informed that due to the



pendency of the above writ petitions his selection was pending and informed him to wait for the result of that writ petitions. The above two writ petitions got disposed on 21.04.2014 and 03.01.2020 respectively, whereas till date the above said two posts not filled by the 1st and 3rd respondents.

2.1 It is further averred in the petition that through RTI reply dated 20.03.2020 the petitioner came to know that the above two posts are still vacant, therefore there is no impediment for the 1st and 3rd respondents herein to select him as Physiotherapists in the above vacant post. Hence on 06.10.2020 he sent a representation to the respondents herein to consider him for the post of Physiotherapists. Since there was no response, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 06.10.2020 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.



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4. The learned Special Government Pleader appearing for the respondents submitted that he has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 06.10.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs.

11.08.2023

dpq
Index : Yes/No
Speaking Order : Yes/No



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To:

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J. SATHYA NARAYANA PRASAD, J.

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