



WP No.25199 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Two Years Diploma Medical Laboratory Technician Assn
Rep. by its Secretary N. Nivas Chakravarthy : Petitioner

versus

- 1.The State of Tamil Nadu
Rep by its Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai 9
- 2.The Director of Medical Education
162, EVR Periyar Salai, Kilpauk, Chennai 10
- 3.The Director of Medical and Rural Health Services
Medical and Rural health Services
361, DMS Complex, Anna Salai, Chennai 6
- 4.The Director of Public Health & Preventive Medicine
359, Anna Salai, Teynampet, Chennai 6
- 5.The Medical Services Recruitment Board
Rep by its Chairman
7th Floor, DMS Building, 359, Anna Salai
Teynampet Chennai 6 : Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring that Clause 3 Class III in Category 2 in Branch IV under Section 21 of the Tamil Nadu Medical Subordinate Services is arbitrary in so far as it enables the Lab Technician Grade III coming under the Tamil Nadu Public Health Subordinate Service to get appointed by Recruitment by Transfer to the post of Laboratory Technician Grade II coming under the Tamil Nadu Medical Subordinate Service and consequently forbear the 3rd respondent from filling up of the post of Laboratory Technician Grade II by Recruitment by Transfer of persons holding the post of Lab Technician Grade III.

For the Petitioner : Mr.Venkatavaradhan
For Respondents 1 to 4 : Mr.P.Muthukumar,
State Government Pleader
For Respondent No.5 : Mr.L.Murugavelu

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Venkatavaradhan, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, appearing for respondents 1 to 4 and Mr.L.Murugavelu, learned counsel appearing for the fifth respondent.

2. The petitioner is seeking declaration that Clause 3 Class III in Category 2 in Branch IV under Section 21 of the Tamil Nadu



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Medical Subordinate Services is arbitrary insofar as it enables the Lab Technician Grade III coming under the Tamil Nadu Public Health Subordinate Service to get appointed by recruitment or transfer to the post of Laboratory Technician Grade II coming under the Tamil Nadu Medical Subordinate Service.

3. The learned counsel for the petitioner submits that advertisement was issued for recruitment of 524 laboratory technicians Grade II. However, the same was not proceeded with and by transfer, posts were being filled-in.

4. An affidavit is filed by the fifth respondent to the effect that 524 vacancies were notified and the same were filled-in by recruitment. The candidates were issued with appointment and posting orders by the Director of Medical and Rural Health Services, Chennai and the Director of Medical Education, Chennai. Those 524 candidates have also joined duty.

5. In light of that, the major grievance of the petitioner stands redressed.



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6. If an aggrieved party assails the provisions that are the subject-matter of the present writ petition, the same would be considered in appropriate proceedings.

7. The writ petition accordingly stands disposed of. There will be no order as to costs. Consequently, WMP No.29292 of 2018 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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