



W.P.(MD) No.10511 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.10511 of 2020
and WMP (MD) No.9300 of 2020

Government Diploma Medical
Lab Technician Association,
Rep. By its State Vice President,
A.Balamurugan

... Petitioner

-VS-

- 1.The Secretary to Govt.
State of Tamil Nadu, Health and Family
Welfare Department, Fort St.George,
Chennai-600 009.
- 2.The Director of Medical Education,
State of Tamil Nadu, Kilpauk,
Chennai.
- 3 The Dean,
Madurai Medical College, Madurai.
- 4 The Dean,
Government Rajaji Hospital, Madurai.
- 5 The Dean,
Stanley Medical College, Chennai.



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6 The Dean,
Madras Medical College, Chennai.

7 The Dean,
Kilpauk Medical College, Chennai.

8 The Dean,
Royapettah Government Hospital, Chennai.

9 The Dean
Chengalpet Medical College, Chengalpet.

10. The Dean,
Tirunelveli Medical College,

Tirunelveli.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 10 herein to promote the persons, who are working as Lab Technician Grade I for several years without any promotion to the promotional post of Chief Lab Technician Officer (Senior Technical Assistant (Lab) as per the 7th pay commission recommendation by surrender the 150 vacancies for post of Lab Supervisor which is not recognized by Medical Council of India, within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Bharathy Kannan



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For Respondents : Mr.G.V.Vairom Santhosh
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the respondents 1 to 10 herein to promote the persons, who are working as Lab Technician Grade I for several years without any promotion to the promotional post of Chief Lab Technician Officer (Senior Technical Assistant (Lab) as per the 7th pay commission recommendation by surrender the 150 vacancies for post of Lab Supervisor which is not recognized by Medical Council of India.

2. The case of the petitioner in nutshell is as follows:

The petitioner is the Vice President of Government Diploma Medical Lab Technician Association. For the post of Lab Technician Grade II, the candidates, who have completed Diploma in Medical Laboratory Technician (DMLT) are to selected, which is the entry level post, through state wide seniority. Accordingly, as per G.O.Ms.No.22, dated 29.01.2010, for 524 posts of Lab Technician Grade II, a notification has been issued. However, the said posts are not filled up. On completion of ten years of Lab



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Technician Grade II, the persons are to be promoted as Lab Technician Grade I and subsequently, they shall be promoted to the higher post of Chief Lab Technical Officer. In the meanwhile, for promotion to the Lab Technician Grade I promotion, the petitioner association filed a writ petition in W.P.(MD) No.8916/2019 and this Court by order dated 12.04.2019 directed the respondents to consider their representation and follow state wide seniority. Pursuant to the said direction, amendment was also made to the Tamil Nadu Medical Subordinate Service Rules. While so, when the Lab Technician Grade I candidates are awaiting for their next level of promotion to Chief Lab Technical Officer, without giving promotion to them, the respondents have created a new post of Laboratory Supervisor by Special Rules through direct recruitment and they have been placed above the Lab Technician Grade I and Chief Lab Technical Officer and thereby curtailing the promotion of the members of the petitioner's association and hence, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that the feeder category for Chief Lab Technical Officer is Lab Technician Grade I



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and for Lab Technician Grade I, the feeder category is Lab Technician Grade II. While so, without promoting the Lab Technician Grade I to Chief Lab Technical Officer, the creation of Lab Supervisor and placing them above the Lab Technician I, is not sustainable and hence, prays for suitable direction.

4. Per contra, by relying upon the counter affidavit filed by the 2nd respondent, the learned Additional Government Pleader would submit that a proposal for creating of 45 posts of Chief Lab Technical Officer has been sent to the Government and the Government by letter dated 19.03.2018 and after receiving a report from the Staff Rationalization Committee constituted vide G.O.Ms.No.56 dated 19.02.2018, the creation of post will be considered and necessary proposal has been sent to the committee and the reply is awaited. It is his submission that the post of Chief Lab Technical Officer is not sanctioned to any medical college and hospital till date.

5. In view of the submissions made by the respondents, without going into the merits or contentions raised by the petitioner, this Court is



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inclined to issue a direction to the respondents to take appropriate decision, within a period of 24 weeks from the date of receipt of a copy of this order, if there are no other legal impediment.

6. The writ petition is disposed of accordingly. No costs.
Consequently connected Miscellaneous Petition is closed.

03.01.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

RR

To

1. The Secretary to Govt.
Health and Family
Welfare Department, Fort St. George,
Chennai-600 009.
2. The Director of Medical Education,
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- 3 The Dean,
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M.DHANDAPANI, J.

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