



W.P(MD)No.5071 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.5071 of 2018

and

W.M.P(MD)Nos.5049, 5050 & 5051 of 2020

- 1.S.Sankara Vadivoo
- 2.K.Paramakalyani @ Vidhya
- 3.S.Rajeswari
- 4.A.Vinayaga Sundari
- 5.R.Radhakrishnaveni

... Petitioners

Vs.

- 1.The Government of India,
Through the Secretary(Health),
New Delhi – 1.
- 2.National Rural Health Mission,
Through its Director, New Delhi.
- 3.The Government of Tamilnadu,
Through its Secretary,
Health & Family Welfare,
St. George Fort, Chennai – 9.
- 4.The Director,
Indian Medicine & Homeopathy,
Arumbakkam, Chennai – 106.
- 5.The Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai, Chennai – 6.

... Respondents



W.P(MD)No.5071 of 2018

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus calling for the records of the fifth respondent in Notification No.1/MRB/2018 dated 13.02.2018 and quash the same insofar as these petitioners are concerned and direct the respondents to regularize the service of these petitioners with retrospective effect from the date of appointment and pay them all the consequential and financial benefits as held by the Supreme Court in State of Punjab case.

For Petitioner	: Ms.V.Janaki Devi
For R-1 & R-2	: No Appearance
For R-3 & R-4	: Mr.S.P.Maharajan, Special Government Pleader
For R-5	: Mr.T.S.Mohammed Mohideen

ORDER

This writ petition has been filed to quash the impugned notification issued by the fifth respondent in Notification No.1/MRB/2018, dated 13.02.2018, insofar as these petitioners are concerned and to direct the respondents to regularize the service of these petitioners with retrospective effect from the date of appointment and pay them all the consequential and financial benefits as held by the Supreme Court in State of Punjab case.



W.P(MD)No.5071 of 2018

WEB COPY

2. The case of the petitioners is that they are working as Pharmacists Siddha for more than nine years and they were recruited through Employment Exchange. While being so, without regularizing the services of the petitioners, the fifth respondent Medical Services Recruitment Board, issued the impugned notification for recruiting Pharmacists Siddha. Hence, challenging the same, the petitioners have filed this writ petition with the aforesaid prayer.

3. However, when the writ petition is taken up for hearing today, the learned counsel appearing for the petitioners, on instructions, would submit that during the pendency of this writ petition, subsequently, except the first petitioner, for all the other petitioners, their services were regularized. However, with regard to the first petitioner, she is not able to get any instructions.

4. The learned Standing Counsel appearing for the fifth respondent, on instructions, would submit that the subject recruitment process itself was over and the recruited persons joined duty and therefore, nothing survives in this writ petition.



W.P(MD)No.5071 of 2018

WEB COPY

5. In view of the said submissions, as the services of the petitioners 2 to 5, were regularized and the recruitment process itself was concluded and the recruited persons joined duty, no further adjudication is necessary in this writ petition. Hence, this writ petition is dismissed. However, liberty is hereby granted to the first petitioner to work out her remedy in the manner known to law. No Costs. Consequently, connected miscellaneous petitions are closed.

09.02.2023

Index: Yes/No
Internet: Yes/No
pm

To:

1. The Government of Tamilnadu,
Through its Secretary,
Health & Family Welfare,
St. George Fort, Chennai – 9.
2. The Director,
Indian Medicine & Homeopathy,
Arumbakkam, Chennai – 106.



WEB COPY



W.P(MD)No.5071 of 2018

M.DHANDAPANI, J.

pm

W.P.(MD)No.5071 of 2018

09.02.2023