



W.P.(MD).No.3723 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.3723 of 2016

P.Mariyappan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Director,
Department of Agricultural Sales and Marketing,
Sippet Road, Thiru.Vi.Ka.Sipcot,
Guindy,
Chennai – 600 032.

2.The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Virudhunagar District,
Virudhunagar.

3.The Secretary,
Ramanathapuram Sales Division,
Department of Agricultural Sales and Marketing,
Virudhunagar.

4.The Superintendent,
Regulated Market,
Rajapalayam,
Virudhunagar District,
Virudhunagar.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ko.A2/2629/2013 dated 27.09.2013 on the file of the third respondent and quash the same as illegal and consequently direct the third respondent to provide alternative employment to the petitioner with the fourth respondent's office as Medical Assistant or any equivalent post or any other office which comes under the control of the third respondent with consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik,
For M/s.Lajapathi Roy & Associates

For R-1 and R-2 : Mr.M.Lingadurai,
Special Government Pleader.

For R-3 and R-4 : Mr.G.Mohan Kumar

ORDER

This Writ Petition is filed challenging the impugned order dated 27.09.2013 with a consequential relief to grant alternative employment to the petitioner with consequential benefits.

2. The petitioner was originally appointed by the fourth respondent and working as Medical Assistant under third respondent and the petitioner was



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continuing in the third respondent service. A scheme was formulated by the State Government under the name and style of “Free Medical Centers” and two posts namely Medical Practitioner and Medical Assistant allotted. The petitioner was appointed as Medical Assistant. The scheme was not continued in the Virudhunagar District alone. Hence, the contention of the petitioner is that since the scheme is not continued, the petitioner should be accommodated in some other District. However, this contention was vehemently opposed by the respondents by stating that the scheme was available in each and every district and 2 persons were appointed. In other districts, already some persons are working. Therefore, the petitioner cannot be accommodated in any other districts. However, the respondents have not placed any record to show that no post was available in other districts.

3. Moreover it is submitted that some of the Medical Officers have resigned and have went for some other job, hence in some places the scheme could not be continued.

4. The impugned order cannot be quashed but only Mandamus can be granted to the respondents for considering and accommodating the petitioner in any other vacant position, in any other District under the same scheme itself.



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5. Therefore, the first respondent is directed to consider the petitioner's claim and if the petitioner could be accommodated in any other District where there is any vacancy and still the scheme is existing, then the first respondent may consider and pass orders. However, it is made clear that the petitioner is not entitled to backwages. The said exercise shall be completed within a period of ten (10) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

11.04.2023

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



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S.SRIMATHY, J.

Nsr

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