



W.P.(MD)No.5372 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5372 of 2016

and

W.M.P(MD)No.4824, 4825 of 2016 and 15525 of 2018

T.Thiyagaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 006.

2.The Project Officer/Member Secretary,
Tamil Nadu State AIDS Control Society,
Panthian Salai, Chennai – 8.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records pertaining to the Impugned Order dated 12.08.2012 passed by the 2nd respondent in his proceedings in Proc. No.2513/A3/Estt/TANSACS/2012 and quash the same and consequently direct the Respondents to reinstate the petitioner in service with consequential benefits.



W.P.(MD)No.5372 of 2016

For Petitioner : Mr.K.Seemaraj
For Respondent : Mr.L.Lingadurai
Special Government Pleader for R-1
Mr.R.K.Senthil for R-2

ORDER

This writ petition is filed against the Tamil Nadu State AIDS Control Society.

2. In another case, one Francis has filed against the same society and the same was allowed. The society is the appellant in W.A(MD)No.1895 of 2009, in which, the Hon'ble Division Bench of this Court, vide order dated 19.10.2010 has categorically held the writ petition is not maintainable against the said society. In another case, the Hon'ble Division Bench is following the same in the case of *Tamil Nadu State AIDS Control Society Vs. M.Fathima Begum*, has followed the earlier Division Bench Order and held that the writ petition is not maintainable against the said society.



W.P.(MD)No.5372 of 2016

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3. Following the said Two Judgment of the Hon'ble Division Bench of this Court, this Court is of the considered opinion that the writ petition is not maintainable against the society.

4. The learned counsel appearing for the petitioner submitted that the petitioner was dismissed from service. Since the petitioner has preferred a petition to regularize his service and fixation of scale to the Hon'ble Chief Minister Cell of Tamilnadu, he is at liberty to challenge the same before the appropriate Forum, under Shops and Establishment Act or before the Labour Act.

5. With this liberty, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

Internet : Yes

ksa

05.04.2023

To

The Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 006.



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W.P.(MD)No.5372 of 2016

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 5372 of 2016**

05.04.2023