



W.A.(MD).Nos.307, 308 of 2017 and W.P.(MD).No.7990 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.A.(MD).Nos.307, 308 of 2017 and W.P.(MD).No.7990 of 2017
and
W.M.P.(MD).Nos.6177 and 6178 of 2017**

W.A.(MD).No.307 of 2017

The Staff Welfare Association of Gandhigram
Institute of Rural Health and Family Welfare,
Ambathurai,
Dindigul,
Regn.No.63/1978
Represented by its Secretary.

.. Appellant/Petitioner

Vs.

- 1.The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.
- 2.The Union of India,
Represented by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi.



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3.The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

4.The Director of Public Health and
Preventive Medicine,
Teynampet,
Chennai.

5.The District Collector,
Dindigul District.

6.The Senior Regional Director,
Regional Office for Health and Family Welfare,
A2A Rajaji Nagar,
Besant Nagar,
Chennai – 600 020.

7.Dr.S.Seethalakshmi,
The Director (Incharge),
The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.

.. Respondents 1 to 7/
Respondents 1 to 7

8.K.Vellaithurai

.. 8th Respondent

(R-8 impleaded vide Court order dated 11.12.2023 in C.M.P.(MD).No.1747 of 2020 in W.A.(MD).No.307 of 2017)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by this Court in W.P.(MD).No.14822 of 2015 dated 21.02.2017 by allowing the above Writ Appeal.



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For Appellant : Mr.Ramsundar Vijayaraj
for M/s.Veera Associates

For R-1 : Mr.V.Vijay Shankar

For R-2 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R-3 to R-6 : Mr.M.Lingadurai
Special Government Pleader

For R-7 : Mr.R.Murali

For R-8 : Mr.G.Prabhu Rajadurai

W.A.(MD).No.308 of 2017

The Staff Welfare Association of Gandhigram
Institute of Rural Health and Family Welfare,
Ambathurai,
Dindigul,
Regn.No.63/1978
Represented by its Chairman.

.. Appellant/Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi.
- 2.The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.



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3. The Gandhigram Institute of Rural Health and Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.
4. The Director of Public Health and Preventive Medicine,
Teynampet,
Chennai.
5. The District Collector,
Dindigul District.
6. The Senior Regional Director,
Regional Office for Health and Family Welfare,
A2A Rajaji Nagar,
Besant Nagar,
Chennai – 600 090.
7. Sheela Rani Sungath,
Chairman to the Board of Trustees,
Gandhigram Institute of Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.
8. Dr.S.Seethalakshmi,
The Director,
The Gandhigram Institute of Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.

.. Respondents 1 to 8/
Respondents 1 to 8



W.A.(MD).Nos.307, 308 of 2017 and W.P.(MD).No.7990 of 2017

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by this Court in W.P.(MD).No.12758 of 2016 dated 21.02.2017 by allowing the above Writ Appeal.

For Appellant : Mr.Ramsundar Vijayaraj
for M/s.Veera Associates

For R-1 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R-3 & R-7 : Mr.V.Vijay Shankar

For R-2,R-4 to R-6: Mr.M.Lingadurai
Special Government Pleader

For R-8 : Mr.R.Murali

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Dr.S.Chelladurai

.. Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi.
- 2.The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post, Dindigul District.



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3.M.R.Rajagopalan,
Board of Trustee Member and
Executive Committee Chairman,
Gandhigram Institute of Rural
Health and Family Welfare Trust,
Soundernagar,
Gandhigram Post – 624 302,
Dindigul District.

4.K.Sivakumar,
Board of Trustee Member and
Finance Committee Chairman,
Gandhigram Institute of Rural
Health and Family Welfare Trust,
Soundernagar,
Gandhigram Post – 624 302,
Dindigul District.

5.Dr.S.Seethalakshmi,
The Director,
The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining the order of appointment issued by the third respondent herein in his proceedings, in Ref No.GRIH/ESTT/2016-17/0106 dated 02.05.2016 and quash the same and consequently direct the respondents herein to appoint the petitioner as a Director of the third respondent Institute.



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For Petitioner : Mr.Ramsundar Vijayaraj
for M/s.Veera Associates

For R-1 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R-2 & R-5 : Mr.V.Vijay Shankar

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeals have been instituted against the common order dated 21.02.2017 passed in W.P.(MD).Nos.14822 of 2015 and 12758 of 2016.

2. A Writ of Quo Warranto has been instituted in W.P.(MD).No.14822 of 2015 against Dr.S.Seethalakshmi, who is holding the post of Director of the Gandhigram Institute of Rural Health and Family Welfare Trust as of now. W.P.(MD).No.12758 of 2016 has been been instituted challenging the resolution of the Trust dated 15.09.2015, amending the Service Rules in favour of Dr.S.Seethalakshmi.



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3. Though the maintainability of the Writ Petition under Article 226 of the Constitution of India is a question, we leave it open, since the learned counsel appearing on behalf of the Gandhigram Institute of Rural Health and Family Welfare Trust made an undertaking that the process of selection for appointment to the post of Director would be completed within a period of six months.

4. The respective learned counsels appearing on behalf of the appellant/Staff Welfare Association mainly contended that the amended Rules applicable for appointment to the post of Director is illegal and more so, Dr.S.Seethalakshmi is not an eligible candidate to hold the post of Director. It is further contended that the said candidate is now aged about 66 years and the age of retirement as per the Rules for the post of Director is 59 years.

5. We are not inclined to go into the merits of the case in view of the undertaking given by the learned counsel for the Gandhigram Institute of Rural Health and Family Welfare Trust, Mr.V.Vijay Shankar.



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6. The learned counsel, Mr.V.Vijay Shankar, made a submission that the Institute is actively searching for a potential candidate to hold the post of Director of the Institute and they will complete the process within a period of six (6) months by issuing notification or by considering the names of eligible in-service candidates or otherwise.

7. In view of the facts and circumstances, the first respondent/Gandhigram Institute of Rural Health and Family Welfare Trust represented by its Chairman, is directed to commence the process of appointment to the post of Director immediately and complete the same on or before 30th June, 2024. It is made clear that the first respondent is not entitled to seek any further extension of time to complete the process of appointment to the post of Director. Even in case the first respondent has failed to fill up the post of Director on or before 30th June, 2024, the present incumbent, Dr.S.Seethalakshmi is directed to be relieved from the post on 29.06.2024 and she is not entitled for further continuance.



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8. Accordingly, the Writ Appeals and the Writ Petition are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
11.12.2023

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

To

- 1.The Secretary to Government,
The Union of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.
- 2.The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 3.The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai.
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Regional Office for Health and Family Welfare,
A2A Rajaji Nagar,
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S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

Lm

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and
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11.12.2023