



W.P. No.16323 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.16323 of 2012

Dr.Aiswarya Rajyalaxmi

... Petitioner

Vs.

1.The Union of India

Rep. By its Under Secretary,
Ministry of Health and Family Welfare,
National AIDS Control Organisation,
9th Floor, Chander Lok Building,
36, Janpath, New Delhi-110 001.

2.The Government of Tamil Nadu,

Rep. By the Principal Secretary,
Department Health and Family Welfare,
Fort St.George, Chennai-600 009.

3.The Tamil Nadu AIDS Control Society,

Rep. By its Project Director,
No.417, Pantheon Salai,
Egmore, Chennai-600 008.

4.The Project Director / Member Secretary,

Tamil Nadu AIDS Control Society,
No.417, Pantheon Salai,
Egmore, Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings of the Executive Committee of the 3rd Respondent dated



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30.06.2011 and the consequent relieving order of the 4th Respondent in proceedings No.09532/A1-1/ESTT/TANSACS/2011 dated 30.06.2011 and quash the same and consequently, direct the 3rd and 4th Respondents to appoint the petitioner with all consequential in the post of Joint Director (Basic Services).

For Petitioner : Mr.K.M.Aasim Shehzad

For Respondents : Mr.Venkataswamy Babu (for R1)

Mr.K.Tippusultan (for R2)
Government Advocate

Ms.C.N.G.Niraimathi (for R3 and R4)

ORDER

Heard Mr.K.M.Aasim Shehzad, learned counsel for the petitioner and Mr.Venkataswamy Babu, learned counsel for 1st Respondent, Mr.K.Tippusultan, learned Government Advocate for the 2nd Respondent, Ms.C.N.G.Niraimathi, learned counsel for Respondents 3 and 4. Though the counsel for the petitioner has advanced elaborate arguments finding fault with the impugned resolution passed in the Syndicate of the Respondent University as well as the relieving orders issued by the Respondent University relieving the petitioner from the post of Joint Director (Basic Services) and also pointed out certain factual errors in the resolution passed by the Syndicate as well as the impugned order relieving the petitioner from service, this Court is not inclined to go into all those aspects at this point of time, for the following reasons.



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2. In response to a newspaper advertisement issued by the 3rd Respondent Society for filling up the post of Joint Director (Basic Services), the petitioner appeared for walk-in interview and her case was considered by the 3rd Respondent and accordingly she was provisionally selected and appointed to the said post on contractual basis and consolidated pay of Rs.46,000/- per month. Accordingly, the petitioner joined the post on 14.07.2010. While the petitioner was continuing in the said post of Joint Director (Basic Services), the 3rd Respondent Society issued another advertisement on 05.06.2011 for filling up the post of Joint Director (Basis services) in which the petitioner was working.

3. Aggrieved thereby the petitioner approached this Court by filing a writ petition in W.P.No.14215 of 2011, however during the pendency of the said writ petition the petitioner participated in selection process but she was not selected. Thereafter, the impugned resolution was passed by the Syndicate of the Respondents through the impugned minutes of the Special Executive Meeting of the 3rd Respondent Society dated 30.06.2011. The Executive Committee decided not to continue the petitioner in service and accordingly she was relieved from service on 30.06.2011. It is aggrieved by the said proceedings dated 30.06.2011 and the minutes of meeting dated 30.06.2011, the petitioner approached this Court by filing the present writ petition.



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4. From the above, it is evident that the initial appointment of the petitioner as Joint Director (Basic Services) in Respondent Society is for a period of one year and there is nothing on record that the said contractual period was extended subsequently. The second advertisement that was issued by the 3rd Respondent Society on 05.06.2011 is admittedly for filling up various vacancies including the post of Joint Director (Basic Services) purely on temporary and contractual basis with consolidated pay for a period till 31.03.2012. The said period admittedly came to an end much before filing of the present writ petition. The present writ petition was filed on 26.06.2012. As the period for which the very advertisement was issued has come to an end as early as on 31.03.2012, the cause in the writ petition does not survive. The initial advertisement that was issued in the year 01.07.2010 was also for a limited period of one year and the second advertisement dated 05.06.2011 is also for a specified period upto 31.03.2012. The claim of the petitioner is for continuation in the post of Joint Director (Basis Services). The 1st advertisement dated 01.07.2010 and the 2nd advertisement dated 05.06.2011 the contract period is specified and the said period has already expired long back i.e., much before filing of the present writ petition. Therefore, the writ petition does not survive any more.



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5. No doubt, there appears to be certain factual errors or reasons that are not communicated to the petitioner for her discontinuance or for her non-appointment. However that may not be reason for adjudicating the present writ petition on merits as the post of Joint Director (Basic Service) which was advertised in both advertisements is for a specified period.

6. Be that as it may, pursuant to the advertisement dated 05.06.2011 another person by name Dr.S.Gunasekaran was appointed as Joint Director (Basis service) on consolidated monthly remuneration of Rs.35,000/- on contractual basis from 26.12.2011 and he served in the 3rd Respondent Society upto April 2012 thereafter, no person is stated to have been appointed. In the light of the fact that the period of contract expired long back and before filing of the writ petition, this Court does not see any reason to interfere with the impugned order. Accordingly, the writ petition is dismissed. No costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MUMMINENI SUDHEER KUMAR, J.

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To:

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