



W.P.No.21323 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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- 1 J. RAMLINGAM
- 2 S.ATHIMOOLAM
- 3 B.SATHISH
- 4 P.TAMIL SELVAN
- 5 C.SENTHIL KUMAR
- 6 N.GOVINDA RAJ
- 7 S.RAJA GOPAL
- 8 R.KUPUSWAMY
- 9 S.SIVANESAN
- 10 A.NEELAGANDAN
- 11 S.SIVAGANGA
- 12 T.RAJ
- 13 T.ARUMUGARAJ
- 14 S.KOILSELVI



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- 15 S.PANEERSELVAM
- 16 V.SUBASH
- 17 C.RAJA
- 18 K.ANANTHAPANDI
- 19 S.SUDALAIANDI
- 20 S.SELVAKUMAR
- 21 T.SARASWATHI
- 22 P.KANI
- 23 KANNAN
- 24 R.ANANDAJOTHI
- 25 M.MANJULA
- 26 C.SOMU
- 27 C.PITCHAIMUTHU
- 28 G.GANAPATHY
- 29 P.K.JANARTHANAN
- 30 S.MURUGESAN
- 31 P.MAHENDRASELVI
- 32 P.MARISELVAM
- 33 A.R.JAYALAKSHMI



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34 A.GOPIMUTHUKRISHNAN

35 M.RAMAN

36 SIVANUPANDIAN

37 V.N.GOPALAKRISHNAN

38 G.ARJUNAN

39 K.SELVAKUMAR

40 K.PANDIAN

41 KANDASAMY

42 M.NALLATHAMBI

...Petitioners

Vs

- 1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
FORT ST. GEORGE, CHENNAI – 600009.
- 2 THE DIRECTOR OF MEDICAL EDUCATION,
CHENNAI - 600010.
- 3 THE DIRECTOR OF PUBLIC HEALTH
AND PREVENTIVE MEDICINE,
359, ANNA SALAI,
CHENNAI 600006.
- 4 THE DIRECTOR OF MEDICAL
AND RURAL HEALTH SERVICES,
CHENNAI-600006.



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5 THE DIRECTOR OF MEDICAL SERVICES,
CHENNAI-600006.

6 THE JOINT DIRECTOR OF HEALTH SERVICES,
TENKASI, TIRUNELVELI DISTRICT.

7 THE DEPUTY DIRECTOR OF HEALTH SERVICES,
VILLUPURAM.

8 THE DEPUTY DIRECTOR OF HEALTH SERVICES
(FAMILY WELFARE), COIMBATORE DISTRICT.

9 THE DEPUTY DIRECTOR OF HEALTH SERVICES,
TIRUPUR.

10 THE DEPUTY DIRECTOR OF HEALTH SERVICES,
TIRUNELVELI.

11 THE DEPUTY DIRECTOR OF HEALTH SERVICES,
SALEM DISTRICT.

12 THE DEAN,
VILLUPURAM GOVERNMENT MEDICAL COLLEGE,
MUNDIAMBARKAM POST,
VILLUPURAM DISTRICT.

13 THE EMPLOYMENT EXCHANGE OFFICER,
TIRUNELVELI DISTRICT.

14 THE EMPLOYMENT EXCHANGE OFFICER,
COIMBATORE DISTRICT.

15 THE EMPLOYMENT EXCHANGE OFFICER,
SALEM DISTRICT.

16 THE EMPLOYMENT EXCHANGE OFFICER,
TIRUPUR DISTRICT.



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17 THE EMPLOYMENT EXCHANGE OFFICER,
VILLUPURAM DISTRICT.

18 THE STATE EMPLOYMENT EXCHANGE
GUINDY, CHENNAI-600 032.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the action of the respondents Nos. 13, 14, 15, 16, 17 and 18 in refusing to register the service certificate-s in employment exchange for giving preference in appointment as illegal and consequently to direct the respondents Nos. 1 to 12 to call for qualified persons from open market by making adequate advertisement so as to enable the petitioners to apply for the concerned posts of Drivers Hospital Workers and Lab Attenders etc as the case may be, in addition to requisitioning of the names from employment exchange and to consider the case of all the candidates who have applied in accordance with law and consequently absorb the petitioners as Drivers Hospital Workers and Lab Attenders as the case may be, by giving preference to the petitioners.

For Petitioners : Mr.T.Divya

For R1 to R12 : Mr.K.Tippusulthan,
Government Advocate

For R13 to R18 : Mr.D.Gopal
Government Advocate



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ORDER

This Writ Petition has been filed to issue a Writ of Declaration declaring that the action of the respondents Nos. 13, 14, 15, 16, 17 and 18 in refusing to register the service certificate-s in employment exchange for giving preference in appointment as illegal and consequently to direct the respondents Nos. 1 to 12 to call for qualified persons from open market by making adequate advertisement so as to enable the petitioners to apply for the concerned posts of Drivers Hospital Workers and Lab Attenders etc, as the case may be, in addition to requisitioning of the names from employment exchange and to consider the case of all the candidates, who have applied in accordance with law and consequently absorb the petitioners as Drivers Hospital Workers and Lab Attenders as the case may be, by giving preference to the petitioners.

2.It is submission of the learned counsel for the petitioners that the petitioners were working as Drivers, Lab Attenders, Hospital Workers in various Government Primary Health Centres, Government Hospitals and Government Medical Colleges. In view of the banning of the recruitment



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till the year 2006, petitioners were appointed through an outsourcing agencies like, Siva Industrial Security Agency Private Limited, Chennai Society for Education and Women Development, Madurai Society for Education and Women Development etc. Petitioners are fully qualified to hold the post. Petitioners have registered their respective qualification in the concerned District Employment Exchanges. The first respondent issued a Government Letter No.46987/C2/2006-3, dated 07.02.2007, with a direction to the Director of Medical Education, Chennai, The Director of Public Health and Preventive Medicine, Chennai, The Director of Medical and Rural Health Services, Chennai and The Director of Medical Services, Chennai, to request the Hospital Advisory Committee to issue service certificate in a specified format for the purpose of registering the said certificate in the employment exchange. Petitioners were issued with such service certificates and the petitioners approached the concerned District Employment Exchange for the purpose of registering the said certificates. The Government issued a letter in Government DO Letter No.59659/C/07/ dated 20.12.2007 informing that the persons engaged on outsourcing basis should invariably be relieved from 29.02.2008 and the vacancies should be filled



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up immediately. Petitioners were at the verge of termination of their services. In the said circumstances, this Writ Petition was filed.

3.The learned counsel for the petitioners further submitted that in W.P.Nos.30105 to 30111 of 2008, this Court directed the fourth respondent therein to consider the petitioners' claim, even if their names are not sponsored by the employment exchange.

4.In reply, the learned counsel for the respondents submitted that the petitioners' claim that their certificates were not registered by the employment exchange is not correct for the reason that the petitioners have not given any specific details about the refusal made on the part of the employment exchange. Instructions were issued even in the year 2007 itself for registering the experience certificate of paramedical workers. All the vacancies were filled up through employment exchange by giving notification and advertisement in two Tamil daily newspapers. This petition has no merits and it is liable to be dismissed.

5.Considered the rival submissions and perused the records.



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6.The scope of this petition is very limited. The first prayer of the petition is to declare the action of the respondent Nos.13 to 18 in refusing to register the service certificate of the petitioners by the employment exchange as illegal and consequently, to direct the respondents Nos.1 to 12 to call for qualified persons from open market by making adequate advertisement so as to enable the petitioners to apply for the concerned posts of Drivers Hospital Workers and Lab Attenders etc.

7.So far as the first prayer is concerned, except the bald allegations that the employment exchange refused to register the petitioners' experience certificate, in support of this allegation, no details are furnished as to when the petitioners approached the employment exchange and when the employment exchange refused to register the petitioners' experience certificate. Therefore, the first prayer cannot be entertained.

8.With regard to the second prayer, it is seen from the counter affidavit filed that the aforesaid posts had been filled through the candidates sponsored by the employment exchange and then by giving an



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advertisement in two Tamil daily newspapers. If the petitioners had registered the names with the employment exchange, they would have been given an opportunity to participate in the selection process. As of now, the vacancies had been filled up. Only in the future vacancies, the petitioners would be considered, if they had registered their experience certificate with the employment exchange and eligible to participate in the selection process.

9.Since the selection process was done through employment exchange and by issuing paper publication, the selection process followed by the respondent Nos.1 to 12 cannot be faulted. Therefore, this Court is of the view that the petitioners cannot be granted any relief in this writ petition.

10.Accordingly, this Writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition if any is also closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
NCC: Yes/No

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To
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G.CHANDRASEKHARAN, J.

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