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Writ Petition No.30361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.30361 of 2024

Dr.M.Hari Prasath
S/o.Manivannan

... Petitioner

Vs.

1.The Government of Tamil Nadu
represented by its Secretary,
Department of Health,
Fort St.George, Chennai - 600 009.

2.The Director of Public Health Preventive Medicine,
Chokkalingam Nagar,
Teynampet, Chennai - 600 006.

3.The Deputy Director of Health Service,
Thiru Vi.Ka.Street,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to regularize the services of the petitioner in the post of Assistant Surgeon with effect from 30.03.2020 by virtue of the judgment made in W.P.No.12445 of 2023, dated 22.06.2023 and consequently, fix the seniority of the petitioner in the post of Assistant Surgeon in Tamil Nadu Medical Services.



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For Petitioner : Ms.T.Dharani

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to regularize the services of the petitioner in the post of Assistant Surgeon with effect from 30.03.2020 along with all service and monetary benefits.

2. Heard Ms.T.Dharani, learned counsel appearing for petitioner and Mr.M.Bindran, learned Additional Government Pleader appearing for respondents.

3. The petitioner had earlier approached this Court and filed W.P.No.12445 of 2023 for a direction to the respondents to treat the date of joining of the petitioner in the post of Assistant Surgeon as 30.03.2020 and to compute three years of service from that date in order to get 30% incentive marks for the three completed years from 30.03.2020 to 31.03.2023 so as to enable the petitioner to get admission in the post-graduate courses for the academic year 2023-24 under the service



category. This writ petition was contested by the respondents and ultimately, by an order dated 22.06.2023, the writ petition was allowed and the respondents were directed to award incentive marks for the petitioner as per the relevant Government orders and the guidelines issued by the selection committee.

4. Pursuant to the above order, the incentive marks were awarded to the petitioner. The grievance of the petitioner is that he should have been regularized with effect from 30.03.2020 as per the order passed in W.P.No.12445 of 2023 pursuant to the representations made by him from the year 2020 onwards. However, the same was not acted upon and it is under these circumstances, the present writ petition came to be filed before this Court.

5. Taking into consideration the facts and circumstances of the case and the nature of grievance expressed by the petitioner and also the earlier order passed by this Court in W.P.No.12445 of 2023, dated 22.06.2023, there shall be a direction to the petitioner to submit a fresh representation to the second respondent along with all the relevant documents and also a copy of this order. The second respondent shall



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deal with the same on its own merits and in accordance with law and after taking into account the earlier order passed by this Court in W.P.No.12445 of 2023, dated 22.06.2023 and final orders shall be passed within a period of six (6) weeks from the date of receipt of fresh representation from the petitioner.

This Writ Petition is disposed of with the above direction. No costs.

17.10.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1.The Secretary,
Department of Health,
Fort St.George, Chennai - 600 009.

2.The Director of Public Health Preventive Medicine,
Chokkalingam Nagar,
Teynampet, Chennai - 600 006.

3.The Deputy Director of Health Service,
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