



WP(MD) No.3152 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2024

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THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.3152 of 2020
and W.M.P.(MD)Nos.2690 to 2692 of 2020
and 14694 of 2021

Government Diploma Medical Lab
Technician Association,
Rep. by its State General Secretary,
P.U.Shajahan

... Petitioner

Vs.

- 1.The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Medical Education,
State of Tamil Nadu, Kilpauk,
Chennai-600 010.
- 3.The Director of Medical Services,
State of Tamil Nadu,
Teynampet, Chennai.
- 4.Director of Medical and Rural Health
Services (ESI), State of Tamil Nadu,
DMS Campus, Teynampet, Chennai.



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5. The Dean,
Stanley Medical College,
Chennai-600 001.

6. The Dean,
Government Rajaji Hospital,
Madurai 625 020.

7. The Dean,
Rajiv Gandhi General Hospital,
Chennai 600 003.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned orders passed by the 5th respondent in Ref.No.749/E5/2020 dated 13.01.2020, the 6th respondent in Sa.Mu.Order No.3519/Ne.4/1/2019 dated 28.01.2020 and 7th respondent in R.Dis./017516/E3/1/2019 dated 30.1.2020, quash the same as illegal and consequently directing the respondents 1 to 7 to promote the eligible Lab Technician Grade II on completion of their qualifying service of 10 years in the respondent Department as Lab Technician Grade I, in any one of the 524 available vacancies by following State wide institution seniority as per G.O.Ms.No.22, Health and Family Welfare Department, dated 29.01.2010 instead of District wide institution seniority and confer all monetary benefits to them notionally with effect from the date of their eligibility for promotion.



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For Petitioner : Mr.S.Bharathy Kannan
For Respondents : Mr.V.Om.Prakash,
Government Advocate.

ORDER

This Writ Petition has been filed by the petitioner association challenging the individual promotion orders dated 13.01.2020, 28.01.2020 and 28.01.2020, whereby three individuals were promoted to the post of Laboratory Technician Grade-I from the post of Laboratory Technician Grade-II, on the ground that the same were in violation of G.O.Ms.No.22, Health and Family Welfare Department, dated 29.01.2010.

2. The association as such cannot be said to be a person aggrieved by the individual promotion orders issued in favour of the three individuals. Further, the three individuals were not impleaded as party respondents to the writ petition. However, interim order was obtained behind their back. Subsequently, W.M.P.(MD)No.4888 of 2020 came to be filed to implead the said promotees. However, the said application is not ordered as on date.



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The association, as such, cannot be said to be a person aggrieved by the individual orders issued in favour of certain individuals. There is no concept of public interest litigation in the service law jurisprudence. If at all any individuals are aggrieved by the said promotion orders issued in favour of the beneficiaries of the impugned orders, it is for them to raise the issue and challenge such promotions.

3. In the circumstances, this Court is not inclined to entertain this Writ Petition at the instance of the petitioner herein. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.03.2024

NCC : Yes/No
Index : Yes/No

vsm



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