



W.P.(MD)No.8795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8795 of 2024

and

W.M.P.(MD).Nos.8016 and 8017 of 2024

Dr.T.M.Sanju

... Petitioner

Vs.

1.The Government of Tamil Nadu,
By its Secretary,
Department of Health and Family Welfare
Chennai.

2.The Member Secretary,
Tamil Nadu Public Service Commission,
Chennai.

3.The Director of Public Health and Preventive Medicine,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the proceedings of the third respondent in R.No.6338992/E1/S2/2023 dated 26.12.2023 and quash the same as illegal and directing the second respondent to appoint the public health officer post through the regular selection.



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For Petitioner : Mr.S.Muthukrishnan

For R-1 and R-3 : Mr.M.Lingadurai
Special Government Pleader

For R-2 : Mr.V.Panneer Selvam
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 26.12.2023 in R.No.6338992/E1/S2/2023 passed by the third respondent and directing the second respondent to appoint the public health officer post through the regular selection.

2. Heard Mr.S.Muthukrishnan, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 and 3 and Mr.V.Panneer Selvam, learned Standing Counsel appearing for the second respondent.

3. Mr.S.Muthukrishnan, learned counsel for the petitioner submitted that the petitioner who is said to have been applied to the post of Public Health Officer in pursuant to the notification issued by the TNPSC calling for the applications to fill up the posts of Public Health Officer, has filed this Writ Petition challenging the order of the third respondent issued to all the Deputy



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Directors of Public Health and Preventive Medicines. The third respondent through his impugned communication had asked all the Deputy Directors of Public Health and Preventive Medicines to forward certain details of the existing Assistant Surgeons within their jurisdiction and who complies certain eligibility criteria for the purpose of considering them to be appointed to the post of Public Health Officer. Now, the petitioner claims that having given a notification through TNPSC for filling up of vacancies to the post of Public Health Officer, the third respondent ought not to have passed impugned communication to the Deputy Directors of Public Health and Preventive Medicines calling for the list of candidates to be appointed to the said post by way of transfer.

4. The petitioner who is the third party cannot dictate how the Government should frame a scheme to appoint persons to a particular post. It is the prerogative of the Government to make appointments to any particular post either by way of direct recruitment or by way of promotion or by way of recruitment through transfer. In fact, the communication between the departmental authorities cannot infringe the right of the petitioner in any way. The petitioner has made a claim without any *locus standi* to challenge the impugned communication, which is purely between the departmental



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authorities. Just because the petitioner has submitted his application to the post of Public Health Officer in response to the notification issued by the TNPSC, he cannot claim any superior right over the Government policy and seeks such a relief in the Writ. In fact, the notification itself can be cancelled at any point of time for the reasons best thought and felt by the Government.

5. With the above observations, this Writ Petition is **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Secretary,
Department of Health and Family Welfare
Chennai.
- 2.The Member Secretary,
Tamil Nadu Public Service Commission,
Chennai.
- 3.The Director of Public Health and Preventive Medicine,
Chennai.



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R.N.MANJULA, J.

Nsr

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