



W.P.(MD)No.18031 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.18031 of 2022

and

W.M.P(MD)No.13167 of 2022

N.Kalidass

... 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.

3.The Director of Medical Services,
State of Tamil Nadu,
Teynampet,
Chennai.

4.The Director of Medical and Rural Health Services (ESI),
State of Tamil Nadu,
DMS Campus, Teynampet,
Chennai.

5.The Director,
Directorate of Indian Medicines and Homoeopathy,
Arignar Anna Government Hospital of Indian Medicine Campus,
Arumbakkam, Chennai – 106.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 herein to promote the petitioner as Lab Supervisor by applying state-wise seniority instead of Institution Seniority in any one of the existing 10 vacancies now available in the respondent department within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.J.K.Jeyaselan
Government Advocate

ORDER

The writ petition has been filed directing the respondents herein to promote the petitioner as Lab Supervisor by applying state-wide seniority instead of institution seniority in any one of the existing 10 vacancies now available in the respondents department.

2. The petitioner has completed B.Sc., with 2 years Diploma in Medical Lab Technician. He was appointed as Lab Technician Grade – II at Government Thiruvarur Medical College Hospital, Thiruvarur on 07.03.2011. After various transfers, now he is working at Government Hospital, Veerakeralam Pudur,



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Tenkasi District. As per the provisions of Tamil Nadu Medical Services, the Lab Technician Grade - II post is fixed as entry level post in the respondents department and appointments would be made on the basis of following Statewide seniority by comprising the Directors of DME, DMS and DMS (ESI), DIM (Director of Indian Medicine).

3. It is submitted that among 11 Medical College Hospitals in Tamil Nadu, 100 vacancies available for the post of Lab Supervisor and Non Medical Demonstrator. The vacancies for the post of Lab Technician Grade - II and Grade - I are filled up by the first respondent by applying the Statewide seniority. But the promotional post of Lab Supervisor and Non Medical Demonstrator are filled up by applying station seniority instead of statewide seniority. Hence, the available vacancies for the post of Lab Supervisor are filled up by applying station seniority, by promoting the persons, who are juniors than the petitioner. Even though the petitioner has completed 11 years of Service as Lab Technician Grade - II, he is working in the same category without any promotion.

4. It is submitted that while filling up the post of Lab Supervisor by following station seniority functioning under the respondents 2 to 5, the senior



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most persons, who are working as Lab Technician Grade - II & Grade - I are affected without any promotion to the post of Lab Supervisor. The petitioner is working as Lab Technician Grade - II with effect from 07.03.2011 with an educational qualification of B.Sc., (Bio-Chemistry) with D.M.L.T., and he is fully qualified to be promoted as Lab Supervisor as well as Lab Technician Grade - I. Now the respondents are filling up the vacancies for the post of Lab Supervisor by following institution seniority instead of Statewide seniority. Hence, the petitioner's promotional avenue to the post of Lab Supervisor is curtailed.

5. The first respondent already issued G.O.Ms.No.147, Health and Family Welfare Department dated 18.03.2020 by amending the Special Rules for the Tamil Nadu Medical Subordinate Service and implemented Statewide seniority while filling up the post of Lab Technician Grade I. Among 100 vacancies, 90 vacancies for the posts of Lab Supervisor has already filled up and as on today only 10 vacancies are available in the post of Lab Supervisor in the respondents department. Regarding the same, the petitioner sent a representation on 15.07.2022 to the second respondent. But the second respondent did not consider the same till date.



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6. Aggrieved by the same, the petitioner has come forward with the present writ petition.

7. The counter affidavit has been filed by the second respondent on 21.11.2022.

8. The learned Government Advocate for the respondent submits that the representation of the petitioner is under consideration and the proposal for changing state-wide seniority rather than the institution seniority for the post of Lab Supervisor is under consideration of the Government. He further submitted that 12 weeks time may be granted to consider the representation of the petitioner.

9. In view of the above, the first respondent is directed to consider the representation of the petitioner for promotion as Lab Supervisor based on State wide seniority and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.



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10. In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

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- 2.The Director of Medical Education,
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