



W.P.(MD).No.20320 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20320 of 2024

Muthukumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai – 9.
2. The Director (Personnel)
Department of Public Health and Preventive Medicine,
No.359, DMS Complex,
No.361, Anna Salai,
Chennai – 6.
3. The Mission Director,
State Health Society
Department of Public Health and Preventive Medicine,
No.359, DMS Complex,
No.361, Anna Salai,
Chennai – 6.
4. The Director,
Directorate of Medical and Rural Health Services,
No.359, DMS Complex,
No.361, Anna Salai,
Chennai – 6.



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5. The Medical Services Recruitment Board,
Represented by its Member Secretary
7th Floor, DMS Building,
No.359, Anna Salai,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 5 to regularize the petitioner's service in the regular scale pay vacancy in the post of Pharmacist as per G.O.(Ms) No.335, dated 12.11.2015 in the light of the judgment rendered in W.P.Nos.14122 of 2023 etc., batch dated 15.07.2024 by considering his representation dated 31.07.2024.

For Petitioner	: Mr.A.Balaji
For R1 to R4	: Mr.S.Shaji Bino Special Government Pleader
For R5	: Mr.V.Ramesh Standing Counsel

ORDER

The present Writ Petition has been filed by the petitioner having D.Pharm qualification seeking a Mandamus as against the respondents 2 to 5 to regularize his service in the regular scale of pay vacancy for the post of Pharmacist, as per G.O.(Ms) No.335, Health and Family Welfare (C1 Department), dated 12.11.2015.



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2. According to the petitioner, he was appointed on 16.09.2015 as Block Level Pharmacist at Viruveedu in Dindigul District under the Rashtraiya Bal Swasthya Karyakram (RBSK) Scheme. The appointment process was outsourced to Bevast Management Consultants Private Limited in Chennai by the second respondent. In the meantime, the fifth respondent has issued a Notification inviting applications by online mode for direct recruitment on temporary basis to the post of Pharmacists in Tamil Nadu Medical Service. The notification has been issued for 986 vacancies. The petitioner has also participated in the recruitment process, but he was not selected.

3. According to the learned counsel appearing for the writ petitioner, nearly about 260 persons, who are similarly placed got appointment as Block Level Pharmacists, had approached the Principal Seat of this Court by filing Writ Petitions in W.P.Nos.14122, 35833 of 2023 and 8227, 15628 and 19707 of 2024. The learned Single Judge of this Court, by an order dated 15.07.2024, has allowed the said writ petitions with a direction to regularise the service of the petitioners in the regular vacancies in the post of Pharmacist



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by following G.O.(Ms) No.335, Health and Family Welfare (C1 Department) dated 12.11.2015, within a period of eight weeks from the date of receipt of the copy of the order, without disturbing the candidates, who are selected as per the Notification of the year 2022.

4. Seeking similar relief, the petitioner has addressed a representation to the respondents on 31.07.2024. Since there is no response, the present writ petition has been filed.

5. Considering the above said facts, the second respondent herein is directed to consider the representation of the petitioner dated 31.07.2024, in the light of G.O.(Ms) No.335, Health and Family Welfare (C1 Department) dated 12.11.2015 and the orders of this Court in W.P.Nos.14122, 35833 of 2023 and 8227, 15628 and 19707 of 2024, dated 15.07.2024 and pass orders within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Secretary,
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2. The Director (Personnel)
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No.361, Anna Salai, Chennai – 6.
3. The Mission Director,
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5. The Member Secretary,
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R.VIJAYAKUMAR,J.

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