



W.P(MD)No.19055 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19055 of 2014 and
MP(MD) Nos.2 & 3 of 2014

1. A.R.Senthil Kumar
2. M.Subburaman
3. R.Joseph Jayakumar

... Petitioners

Vs

1. State of Tamil Nadu Rep. By,
The Secretary to Govt.,
Health and Family Welfare Dept.,
Secretariat,
Chennai 9.
2. The Director of Medical Education,
Kilpauk,
Chennai 10.
3. S.Saravanan
4. K.Bhuvaneswari
5. C.Madhan
6. P. Vasanthaveni
7. Manivannan

...Respondents

(R3 to R5 are impleaded Vide Court Order dated 03.07.2019 in WMP(MD)Nos. 10070, 10071 & 10072/19 respectively in WP(MD).19055/14)



W.P(MD)No.19055 of 2014

(R6 is impleaded vide Court Order Dated 11.11.2020 made in WMP(MD). 23006/2019 in WP(MD).19055/2014 by SMSJ)

(R7 is impleaded vide Court Order Dated 11.11.2020 made in WMP(MD). 23102/2019 in WP(MD).19055/2014 by SMSJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the order passed by him in his letter No. 419/C2/2014-2 dated 04.04.2014 and also the order passed by the second respondent in Ref. NO. 20442/PME/3/2014 dated 27.03.2014 and quash the same and direct the respondents to consider the petitioners for appointment to the post of Laboratory Technician Grade-II on the basis of their CMLT Grade I qualification and appoint them to the said post with all monetary and service benefits with effect from the date of appointment give the candidates of DMLT qualification who have completed the course after the petitioner in the light of the order dated 24.12.12 passed by the Director of Medical Education in his Proc.L.Dis.No.91420/PME/3/2012 dated 24.12.2012 and G.O.MS.No.993, Health and Family Welfare Dept., dated 31.08.09.

For Petitioner
For R1 & R2

: Mr.D.Selvanayagam
: Mr.G.V.Vairam Santhosh
Additional Government Pleader



W.P(MD)No.19055 of 2014

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ORDER

The petitioners, who possess the qualification of "Certificate in Medial Laboratory Technology" have approached the respondents with a request to appoint them to the post of "Laboratory Technician Grade-II" and filed a writ petition in WP(MD) No.31878 of 2013 that they are having one year Diploma course of certificate offered by King Institute, Guindy that they are eligible for the appointment to the post of "Laboratory Technician Grade-II". This Court, by order dated 22.11.2013, directed the respondents to consider the case of the petitioners on its merits. Accordingly, the Director of Medical Education, Kilpauk, Chennai/the second respondent vide, impugned order No.Ref. NO. 20442/PME/3/2014 dated 27.03.2014, rejected the request of these petitioners that they are not entitled for appointment to the post of "Laboratory Technician Grade-II" with the one year certificate course, which they have obtained from King Institution, Guindy and the same is under challenge in this writ petition with consequential



W.P(MD)No.19055 of 2014

relief to consider the case of these petitioners for the appointment to the post of Laboratory Technician Grade-II, based on their qualification of "Certificate in Medial Laboratory Technology", in the light of the orders passed by the Director of Medical Education in his proceedings in Proc.L.Dis.No.91420/PME/3/2012, dated 24.12.2012 and G.O.Ms.No.993, Health and Family Welfare Department, dated 31.08.2009.

2.Today(18.11.2024), when this writ petition is taken up for hearing, the learned counsel appearing on either side submits that the issue is no longer *res integra* and it has already been decided by the Honourable Division Bench of this Court in WA(MD) No.68 of 2010, dated 08.02.2010, wherein, this Court has held as under:-

"7. Therefore, the position of the State is very clear. The order of the learned Single Judge cannot be understood as a direction to do something contrary to Law and in particular the special Rule and the relevant Government Orders. It can only be understood to mean that if there are still vacancies remaining after appointing the DMLT candidates, then the



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W.P(MD)No.19055 of 2014

CMLT candidates could be considered. The clarification dated 07.01.2008 also makes the position clear. There is no discrimination or injustice since it is clear that the DMLT candidates undergo two years course, whereas the CMLT candidates undergo one year course. They are not equals to claim parity. The Government has also provided for appointment for the CMLT candidates, which is Laboratory Technician Grade III."

3.It is also clarified in G.O(Ms)No.39, Health and Family Welfare (C2) Department, dated 05.02.2007 that

"A Diploma in Medical Laboratory Technology Course (two years duration) conducted by the King Institute of Preventive Medicine or from any other Institution recognized by the Government of Tamil Nadu for this purpose. Provided that, if candidates with the above qualification are not available, candidates with Certificate in Medical Laboratory Technology (one year) duration conducted by the Institution recognized by the Government of Tamil Nadu for this purpose may be appointed."



W.P(MD)No.19055 of 2014

4.Since "Certificate in Medial Laboratory Technology (one year course)" obtained by the petitioners is not equivalent to "Diploma in Medical Laboratory Technology (two years course), the petitioners cannot ask for an appointment as a matter of right, by possessing the qualification of one year Certificate Course in Medial Laboratory Technology. More over, the issue has already been decided by the Honourable Division Bench of this Court as stated supra. Therefore, this Court is not inclined to interfere with the impugned order.

5.Accordingly, this writ petition is dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

18.11.2024

NCC:Yes/No
Index:Yes
vrn



W.P(MD)No.19055 of 2014

To

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1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai 9.
2. The Director of Medical Education,
Kilpauk,
Chennai 10.



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W.P(MD)No.19055 of 2014

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.19055 of 2014 and
MP(MD) Nos.2 & 3 of 2014

18.11.2024
(2/2)