



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23530 of 2024

RS.Subha

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Director(Personnel),
Department of Public Health and Preventive Medicine,
No.359, DMS Complex,
361, Anna Salai, Chennai - 600 006.

3.The Mission Director,
State Health Society,
Department of Public Health and Preventive Medicine,
No.359, DMS Complex,
361, Anna Salai, Chennai - 600 006.

4.The Director,
Directorate of Medical and Rural Health Services,
No.359, DMS Complex,
361, Anna Salai,
Chennai - 600 006.

5.The Medical Services Recruitment Board,
Rep. By its Member Secretary,
7th floor, DMS Building,
359, Anna Salai, Chennai – 600 006.



6.The Deputy Director of Public Health,
Department of Public Health and Preventive Medicine,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents No.1 to 5 herein to regularize the service of the petitioner as Pharmacists as per G.O.Ms.No.335, dated 12.11.2015 in light of the Judgments in WP Nos.14122, 35833 of 2023 and 8227, 15628 and 19707 of 2024, dated 15.07.2024 rendered by this Court by considering the petitioner's representation dated 20.09.2024.

For Petitioner : Mr.E.L.Shalini

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1 to R4 & R6
Mr.V.Ramesh
Standing Counsel for R5

ORDER

The instant writ petition has been filed by the petitioner having D.Pharm qualification, seeking a Mandamus as against the respondents to absorb her in the regular time scale of pay in the regular vacancies 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, she was appointed on 02.09.2015 as Block Level Pharmacist at Killiyoor. 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 she 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, was allowed the said writ petitions with a direction to regularise the service of the petitioners in the regular vacancies in the post of Pharmacist 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.



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4. Seeking similar relief, the petitioner has addressed a representation to the respondents on 20.09.2024. 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 20.09.2024, 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.

6. With the above said observations, this Writ Petition stands disposed of.
No costs.

03.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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To

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R.VIJAYAKUMAR, J.

RJR

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