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W.P.No.25394 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2025

Coram:
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25394 of 2014
and M.P.No.1 of 2014

Dr.Jude.J

...Petitioner

Versus

1.The Secretary to Government,
Department of Health and Family Welfare,
Fort St.George, Chennai – 9.

2.Medical Services Recruitment Board,
Rep. by its Member Secretary,
7th Floor, No.359, Anna Salai,
Tenampet, Chennai – 06.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 2nd Respondent in connection with the impugned order passed in Letter Ref.No.620/MRB/E4/2014 dated 26.08.2014 and quash the same is illegal and direct the respondents to permit the petitioner to work as Tutor/Assistant Professor (Oral Pathology) at Tamil Nadu Government Dental College and Hospital, Chennai, continuously.

For Petitioner	:	No Appearance
For Respondent – 1	:	Mr.K.Tippu Sulthan, Government Advocate
For Respondent – 2	:	Mr.L.Murugavel



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ORDER

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2. Today, when this writ petition was taken up for consideration, there is no representation on behalf of the Petitioner. Mr.K.Tippu Sulthan, learned Government Advocate for the 1st Respondent and Mr.L.Murugavel, learned counsel for the 2nd Respondent are present.

3. The learned Government Advocate for the 1st Respondent and the learned counsel for the 2nd Respondent submitted in unison that the Petitioner has preferred a writ appeal in W.A.No.3557 of 2023 against the Order dated 11.03.2019 in W.P.No.27823 of 2014, which was disposed of by the Division Bench of this Court vide Judgment dated 23.04.2024. In the said judgment, the Division Bench of this Court has directed the Respondents therein to issue orders to the Petitioner (Appellant in



W.A.No.3557 of 2023) posting him as Assistant Professor in the Department of Oral Pathology in the Tamil Nadu Government Dental College and Hospital, Chennai, on or before 28.06.2024. For better appreciation, operative portion of the Judgment dated 23.04.2024 in W.A.No.3557 of 2023 is extracted hereunder:

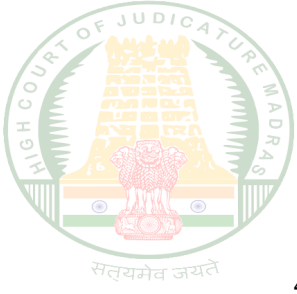
“3. Today, when this writ appeal was taken up for hearing, it was brought to the notice of this Court that the private respondent has retired from service on attaining the age of superannuation.

4. In view of the above development, the appellant becomes entitled to be posted as Assistant Professor in the Department of Oral Pathology in the Tamil Nadu Government Dental College and Hospital, Chennai.

5. Ergo, the respondents are directed to issue orders to the appellant posting him specifically as Assistant Professor in the Department of Oral Pathology in the Tamil Nadu Government Dental College and Hospital, Chennai on or before 28.06.2024 after obtaining code of conduct certificate from him. It is further directed that the appellant's representation seeking continuity of service as well as other benefits be considered in the meanwhile.

With the above directions, this writ appeal stands disposed of, sans costs. Connected C.M.P. stands closed.”

Therefore, it is submitted that consequent to the direction issued by the Division Bench of this Court in Judgment dated 23.04.2024 in W.A.No.3557 of 2023, the relief sought by the Petitioner has become infructuous.



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4. In view of the above submission made by the learned Government Advocate for the 1st Respondent and the learned counsel for the 2nd Respondent, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

04.02.2025

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Secretary to Government,
Department of Health and Family Welfare,
Fort St.George, Chennai – 9.

2.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, No.359, Anna Salai,
Tenampet, Chennai – 06.



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C.SARAVANAN, J.

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