



W.A.(MD)No.70 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

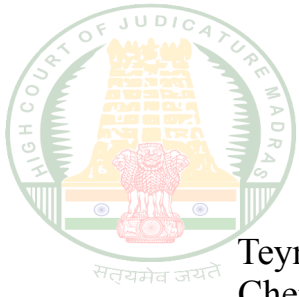
**W.A.(MD)No.70 of 2023
and
C.M.P.(MD)No.851 of 2023**

Government Diploma Medical Lab Technician Association,
Rep. by its State General Secretary,
P.U.Shajahan,
D.No.19, Vinayagamoorthy Street,
Sathamangalam, Madurai - 7.

... Appellant

Vs.

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Medical Education (DME),
State of Tamil Nadu,
Kilpauk, Chennai – 600 010.
- 3.The Director of Medical Services (DMS),
DMS Campus, Teynampet,
Chennai – 600 006.
- 4.The Director of Medical and Rural Health Services,
DMS Campus,



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Teynampet,
Chennai – 600 006.

5.The Director of Public Health and Preventive Medicine,
DMS Campus,
Teynampet,
Chennai – 600 006.

6.G.Subramaniyan

7.T.Vanaja

8.A.Shanmugasundari

9.M.Ramachandran

10.M.Parasuraman ... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.3198 of 2020 dated 12-12-2022 on the file of this Court.

For Appellant : Mr.S.Bharathy Kannan

For Respondents : Mr.N.Satheeshkumar,
Addl. Government Pleader for R1 to R5.



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JUDGMENT

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This writ appeal is directed against the order dated 12.12.2022 dismissing W.P.(MD)No.3198 of 2020 filed by the appellant association.

2.The case on hand pertains to filling up the vacancies in the post of Laboratory Technician Grade II in Health and Family Welfare Department. The grievance of the appellant association is that when their members are waiting the queue hoping to be appointed by way of direct recruitment, the government cannot frustrate their hopes by resorting to fill up the vacancies by way of transfer from the post of Laboratory Assistant (Malaria) in Tamil Nadu Public Health Subordinate Service.

3.The rules provide for filling up vacancy either by direct recruitment or recruitment by transfer from the post of Laboratory Assistant (Malaria). Thus, the government has a choice. It can either resort to direct recruitment or it can resort to recruitment by transfer. The rules have been framed under Article 309 of the Constitution of India. The validity of the rules are not under challenge. When the government has a choice, it is not open to the Writ Court to compel the government to



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adopt a particular the course of action. It is in this view of the matter, the learned Single Judge chose to dismiss the writ petition. Interference with the said order is not warranted and the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
04.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

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Chennai – 600 006.
- 4.The Director of Medical and Rural Health Services,
DMS Campus, Teynampet, Chennai – 600 006.
- 5.The Director of Public Health and Preventive Medicine,
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and
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