

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.945 of 2015
and
M.P.No.1 of 2015

Dr.T.Mytily

..Appellant/Petitioner

Vs.

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
Chennai - 9.
- 2.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai - 10.
- 3.Dr.Anitha,
Department of Anaesthesiology,
Madras Medical College, Chennai - 3.

..Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 24.06.2015 made in M.P.No.1 of 2015 in W.P.No.16388 of 2015 on the file of this Court.

Prayer in Mp.1/15 in WP.16388/15

Petition praying to issue interim direction to the 1st and 2nd respondents not to issue posing order to 3rd respondent to fill up the post of Assistant Professor/Senior Resident at Government Medical College Coimbatore and keep the said post vacant posting disposal of the above writ petition.

Prayer in WP.16388/15

Petition presented under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st and 2nd

respondents to post the petitioner at Government Medical College Coimbatore as Assistant Professor/Senior Resident by passing order on the representations dated 11.03.2015 and 16.03.2015.

For Appellant .. Mr.G.Justin

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1 & R2
R3 - No appearance

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the appellant and the learned Special Government Pleader appearing for respondents 1 and 2, the writ appeal is taken up for final disposal. On 11 September 2015, notice was ordered to the third respondent. Though notice was served on the third respondent, she has not chosen to enter appearance. Since no adverse order is passed against her, this writ appeal is taken up for final disposal without hearing her.

2.The appellant/writ petitioner has filed the writ petition being W.P.No.16388 of 2015, seeking a direction to the first and second respondents to post her at Government Medical College, Coimbatore as an Assistant Professor/Senior Resident by considering her representations.

3.On 10 June 2015, the learned single Judge ordered notice in the writ petition and based on the submission made by the appellant/writ petitioner that the third respondent has not joined the post of Assistant Professor, Government Medical College, Coimbatore, directed the respondents 1 and 2 to maintain status quo. Subsequently, it was brought to the notice of the learned single Judge that counselling had already taken place on 6 March 2015 and the appellant/writ petitioner sought for admission in M.D. Anaesthesiology Course only, resultantly, the interim order came to be vacated. Thus this appeal.

4.Learned counsel appearing for the appellant submits that the interim order was vacated, on the basis of misrepresentation made by the official respondents. In fact, the appellant had applied for other courses also. Be that as it may, without expressing any opinion on the factual disputes or merits of the case, we are not inclined to interfere with the interim order at this stage. However, we reserve liberty to the appellant to seek early hearing of the main petition.

5.With the above observation, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
ASSISTANT REGISTRAR (CS-V)

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SUB-ASSISTANT REGISTRAR

mmi

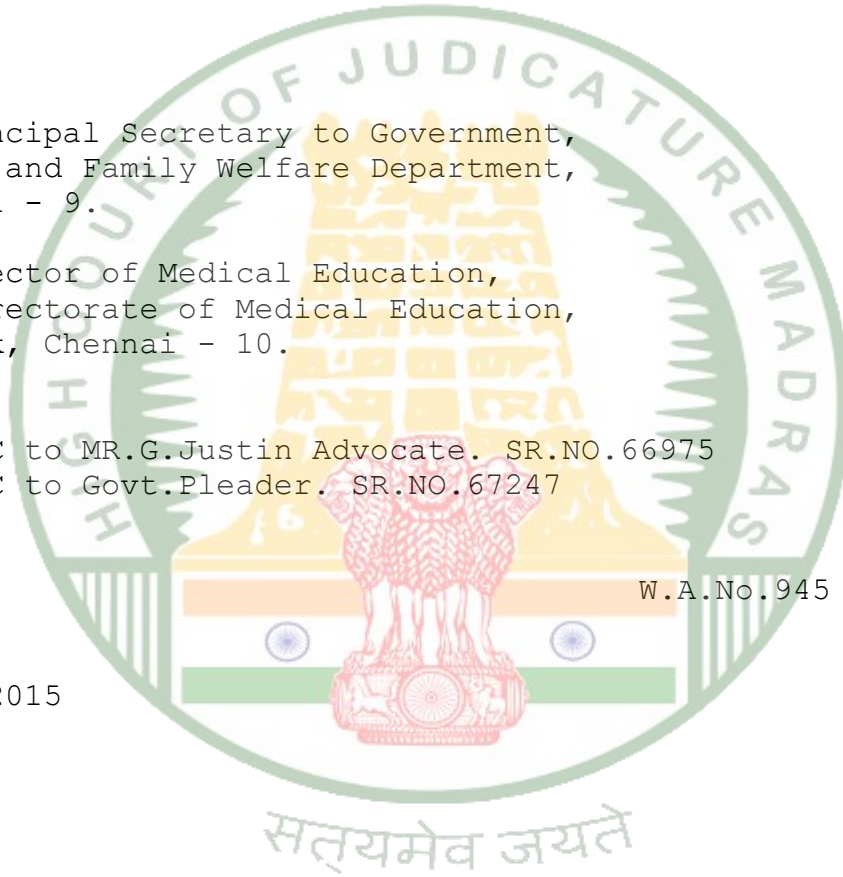
To

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

+1 CC to MR.G.Justin Advocate. SR.NO.66975
+1 CC to Govt.Pleader. SR.NO.67247

W.A.No.945 of 2015

CO-RSY
JD 29/12/2015



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