

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.16531 of 2015

Dr.R.Mudassar Sharief

... Petitioner

vs.

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

2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.

3.The Director of Medical Service
and Rural Health,
Anna Salai, DMS Compound,
Teynampet,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents to pass appropriate orders posting the petitioner as Oral Pathologist in the sanctioned post in Government Aringnar Anna Memorial Cancer Institute, Karapettai, Kancheepuram based on the qualification of MDS., (Oral Pathology) acquired by the petitioner by considering the representation submitted by the petitioner dated 16.05.2015.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran,
Government Advocate

O R D E R

It is the case of the petitioner that he passed B.D.S., and thereafter, he was appointed as Assistant Surgeon (Dental) in Tamil Nadu Medical Services on 01.06.2009 and his CML Seniority is Sl.No.245. While so, he was selected for P.G., course M.D.S., in Oral Pathology as service candidate. He completed the course of M.D.S., Oral Pathology on 27.05.2015 as rank holder and the mark sheet was also issued to him. Thereafter, the petitioner was posted as an Assistant Dental Surgeon in Thirumangalam Government Hospital, Madurai District on 28.05.2015.

2. According to the petitioner, there is a sanctioned post of Oral Pathology in Government Aringnar Anna Memorial Cancer Institute, Karapettai, Kancheepuram and the same is not handled by a person with M.D.S., Oral Pathology. When a person with the M.D.S., Oral Pathology is available, according to the petitioner, such a person shall be appointed to that post.

3. It is the further allegation of the petitioner that when counseling was conducted on 06.03.2015, the post of Oral Pathology in Aringnar Anna Memorial Cancer Institute, Karapettai, Kancheepuram, was not shown as vacant. According to him, it should be shown as vacant since, no qualified person is available in that post.

4. In these circumstances, the petitioner made a representation dated 16.05.2015 to the second respondent before completing the M.D.S., course and post him at Aringnar Anna Memorial Cancer Institute, Karapettai, Kancheepuram as Oral Pathologist on completion of his course on 27.05.2015. The petitioner has now filed this writ petition seeking for a direction to the second respondent to pass appropriate orders on his representation dated 16.05.2015, on merits and in accordance with law.

5. Taking into account the aforesaid facts, I am inclined to issue a direction to the second respondent to pass orders on the representation of the petitioner dated 16.05.2015 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, I make it clear that if there is any senior persons holding M.D.S., Oral Pathology, than the petitioner, the second respondent shall give preference to those senior persons and if there is no senior person, the claim of the petitioner could be considered.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

jbm

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Director of Medical Service
and Rural Health,
Anna Salai, DMS Compound,
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Chennai - 600 006.

1 cc to Mr.G.Sankaran, Advocate, Sr. 28337

1 cc to Government Pleader, Sr. 28606

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