

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28836/2015 & MP.No.1/2015

Dr.S.Jaikailash

..Petitioner

Versus

1.The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Secretariat, Chennai-9.

2.The Director of Medical Education,
Kilpauk, Chennai-10.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to prepare a separate seniority list for the higher category of Reader in Dental Surgery/Associate Professor, falling under Category I of Class IX of Tamil Nadu Medical Service by determining the seniority on the basis of the date of joining in the said post and accordingly place the petitioner in the appropriate place in the said seniority list above all the other candidates who had been transferred to the teaching line and promoted to the post of Reader in the Dental Surgery/Associate professor, subsequent to the petitioner and also above those who have lost their original seniority by virtue of Rule 47 of the Tamil Nadu State and Subordinate Services, irrespective of their ranking in Civil Medical List [CML] within a limited time frame as deem fit by this Court.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.Vijayakumar, AGP

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O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner is having MDS degree qualification and was directly recruited by the Tamil Nadu Public Service Commission as Assistant Dental Surgeon and was given order of appointment on 23.08.2001 by the 2nd respondent and the petitioner joined duty on 29.08.2001 and his services were regularised from the said date in

the post of Assistant Dental Surgeon Category 4 of Class IX Branch I of Tamil Nadu Medical Services. The petitioner has successfully completed his probation on 27.08.2003 and was also temporarily promoted as Reader in the Dental Surgery under Rule 39[a][1] of the General Rules and submitted a representation 16.02.2009 for assigning seniority in the post of Reader and subsequently got re-designated as Professor of Dental Surgery [Conservative Dentistry] in terms of G.O.Ms.No.107, Health and Family Welfare Department, dated 01.03.2011. The grievance now expressed by the petitioner is that though he was redesignated as Professor, the seniority in the post of Reader is yet to be fixed. In this regard, the petitioner has submitted a detailed representation dated 17.09.2014 to regularise his service in the post of Reader and to assign seniority with reference to his date of joining in the said post and it was followed by very many reminders and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that the matter in issue is squarely covered by the decision of the Hon'ble Apex Court of India in Civil Appeal Nos.5579-5586, 5587, 5588-5592 and 8498/2001 and WP.No [C] No.566/2003 dated 19.10.2010 [Challa Jaya Bhaskar and others Vs. Thungathuruthi Surrender and others] and hence, prays for appropriate orders.

4 Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 15.06.2015 and 11.08.2015 on merits and in accordance with law after issuing notice to the petitioner as well as to the persons concerned and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Secretariat, Chennai-9.

2.The Director of Medical Education,
Kilpauk, Chennai-10.

+1cc to M/s.M.Ravi, Advocate Sr.50477

+1cc to Government pleader Sr.50477

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cnr[co]
srg 1.10.2015



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