

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38835 of 2015

and

M.P.Nos.1 &2 of 2015

Dr.C.Jayakrishnaveni

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. By its Secretary,
Department of Public Health & Family Welfare,
Fort St.George, Chennai -9.

2.The Director of Medical Education,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai - 600 010.

3.Dr.M.S.Jagadeesan

... Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records sequel to the impugned proceedings of the first respondent in so far as Mr.Dr.M.S.Jagadeesan mentioned in serial No.1 is concerned in G.O.(D)No.1218, Health and Family Welfare (A) Department dated 29.09.2015 to quash the same and consequently direct the respondents to give promotion to the petitioner for the post of Associate Professor of Psychiatry for the year 2015-2016 and confer the appropriate rank in the promotion posting order dated 29.09.2015 and post the petitioner in the same place which has been allotted to the third respondent and monetary benefits.

For Petitioner : Mr.E.Ezhil Caroline

For Respondents : Mr. S.Gunasekaran
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that she joined Tamil Nadu Medical Services on 26.06.2000 and she is now working as an Assistant Professor in the Psychiatry Department of Madras Medical College/Institute of Mental Health under the control of second respondent since 27.03.2009. The second respondent has sent a proposal for approval of estimate of vacancies and preparation of panel for appointment to the post of Associate Professor of Psychiatry for the year 2015-2016. Accordingly, the 1st respondent has approved the estimate of vacancy for the year 2015-2016 as three posts placing the name of the 3rd respondent at Serial No.1 in the proposed promotion panel for Associate professor.

3. The grievance expressed by the petitioner is that the third respondent is junior to the petitioner. However, without considering the petitioner to the post of Associate Professor, the first respondent promoted the third respondent based on the recommendation of the second respondent.

4. The petitioner would further allege that as the Government order dated 29.09.2015 issued by the first respondent, was not communicated to all seniors like the petitioner, the petitioner preferred an appeal before the second respondent on 12.11.2015 and also sent a representation to the second respondent on 18.11.2015. Since it was not considered, the present writ petition has been filed.

5. Heard Mr.E.Ezhil Caroline, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents.

6. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the second respondent to consider the petitioner's appeal and representation dated 12.11.2015 and 18.11.2015 respectively and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

With the above direction, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

1. The State of Tamil Nadu
Rep. By its Secretary,
Department of Public Health & Family Welfare,
Fort St.George, Chennai -9.

2.The Director of Medical Education,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai - 600 010.

+1 cc to M/s.E.Ezhil Caroline, Advocate, sr.67026

+1 cc to The Government Pleader, sr.66588

W.P.No.38835 of 2015
and
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kra 05.01.2016

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