

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.12758 of 2016 and
W.M.P. No.11158 of 2016

Dr.R.Vasanthageethan

.. Petitioner

-vs-

1.The State of Tamil Nadu,
represented 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 Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka, New Delhi - 110 077.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 02.11.2015 and to promote the petitioner to the post of Associate Professor in Anaesthesiology based on the estimate of vacancies available for the panel year 2015-16 in strict application of Medical Education Teachers Eligibility Qualification (Regulations) 1998 as directed as per the proceedings of the second respondent in Ref.No.31160/ME-III(1)/2014 dated 25.11.2014 with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For petitioner : Mr.G.Sankaran

For respondents : Mr. A.Kumar,
Special Government Pleader
for R1 and R2

ORDER

This writ petition has been filed by the petitioner, seeking a direction to the respondents to consider his representation dated 02.11.2015 and to promote him to the post of Associate Professor in Anaesthesiology based on the estimate of vacancies available for the panel year 2015-16 in strict application of Medical Education Teachers Eligibility Qualification (Regulations) 1998 as per the proceedings of the second respondent in Ref.No.31160/ME-III(1)/2014 dated 25.11.2014 with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

2.Learned counsel for the petitioner would submit that the petitioner was appointed as Assistant Surgeon in Tamil Nadu Medical Service through Tamil Nadu Public Service Commission (TNPSC) on 24.04.2000. The next avenue of promotion is to the post of Associate Professor. The grievance of the petitioner is that when the panel for promotion to the post of Associate Professor was prepared for the year 2015 on 15.03.2015, number of Government Doctors were included in the panel without the requisite qualification of two Research Publication as required under the Rules. Though number of unqualified persons were included and given promotion, the petitioner has not been considered for promotion in spite of eligibility as per MCI norms. Therefore, in this regard, the petitioner made a representation to respondents 1 and 2 requesting to consider him for promotion in the remaining Associate Professor post for the panel year 2015-16 by referring to his eligibility as per MCI norms and seniority.

He would further submit that based on the same, the Dean, Government Mohan Kumaramangalam Medical College and Hospital, Salem has forwarded a proposal to the second respondent on 24.11.2015 to consider the petitioner for promotion for remaining Associate Professor posts based on the application submitted by him. Hence, he prayed for direction to the respondents to consider the representation given by the petitioner.

3.Heard the learned counsel appearing for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who takes notice on behalf of respondents 1 and 2.

4.Considering the limited relief sought for by the petitioner, since the proposal sent by Dean, Government Mohan Kumaramangalam Education, Kilpauk/the second respondent herein, has not been considered by the second respondent, the same requires to be considered expeditiously. Therefore, the second

respondent is directed to consider the petitioner's representation dated 02.11.2015 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.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vga

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 Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka, New Delhi - 110 077.

+1 cc to Government Pleader, sr.22196

+2 ccs to Mr. G. Sankaran, Advocate, sr.222001, 22291

सत्यमेव जयते

W.P. No.12758 of 2016

lrs co

kra 29.04.2016

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