

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34841 of 2016 &

W.M.P.No.29994 of 2016

V.Leyal,
Maternal and Child Health Officer,
Institute of Public Health,
Poonamallee, Chennai. ... Petitioner

vs.

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine,
Anna Salai, Teynampet,
Chennai - 600 006. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the respondents to promote the petitioner as state/Joint State Maternal and Child Health Officer as if done in the case of Tmt.R.Kalaichelvi.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.R.Venkatesh
Government Advocate, for R1

ORDER

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

2. The petitioner has come up with the present writ petition for a Writ of Mandamus, to direct the respondents to promote the petitioner as state/Joint State Maternal and Child Health Officer as if done in the case of Tmt.R.Kalaichelvi.

3. It is the case of the petitioner that the petitioner was joined in the Public Health Department as Staff Nurse in the year 1983 and promoted as Public Health Nurse in the year 1988. The qualification for the post of State Maternal and Child Health Officer and Joint Maternal and Child Health Officer are prescribed under the order of the Government issued in Part III Section 1(b) issued as early as 1979 issued in Tamil Nadu Government Gazette in NO.40 dated 17.10.1979 for Public Health Nurse. The Government by an Order dated 25.10.2013 issued G.O.Ms.No.241 created post called State MCHO and Joint MCHO. As soon as the order was passed by the Government, they have ascertained that some of her juniors are going to be promoted to the said post by appointment by transfer and six persons are promoted to the post of Joint State Maternal and Child Health Officer on Adhoc basis. Hence, some of the colleagues of the petitioner filed a Writ Petition in W.P.No.13196 of 2014 before the Madurai Bench of this Court and the same is pending. In the said Writ Petition, it was ordered that any promotion is subject to the disposal of the main Writ Petition. While so, the Director of Public Health and Preventive Medicine, Chennai in its order dated 26.07.2016 issued in R.No.76470/MP3/S1/2014 promoted one Tmt.R.Kalaichelvi, Health Education Training Officer of the Directorate as Joint State Maternal and Child Health Officer. Hence, the petitioner has come forward with the present petition.

4. When the matter was taken up for consideration the learned counsel for the petitioner submitted that if a direction is given to consider his representation that would be sufficient.

5. In view of the same, this Court, without going into the merits of the claim of the petitioner, directs the petitioner to give a fresh representation to the first respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

6. With the above direction, this petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.
mrp

-Sd/-
Assistant Registrar

// True Copy //

To Sub Assistant Registrar

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

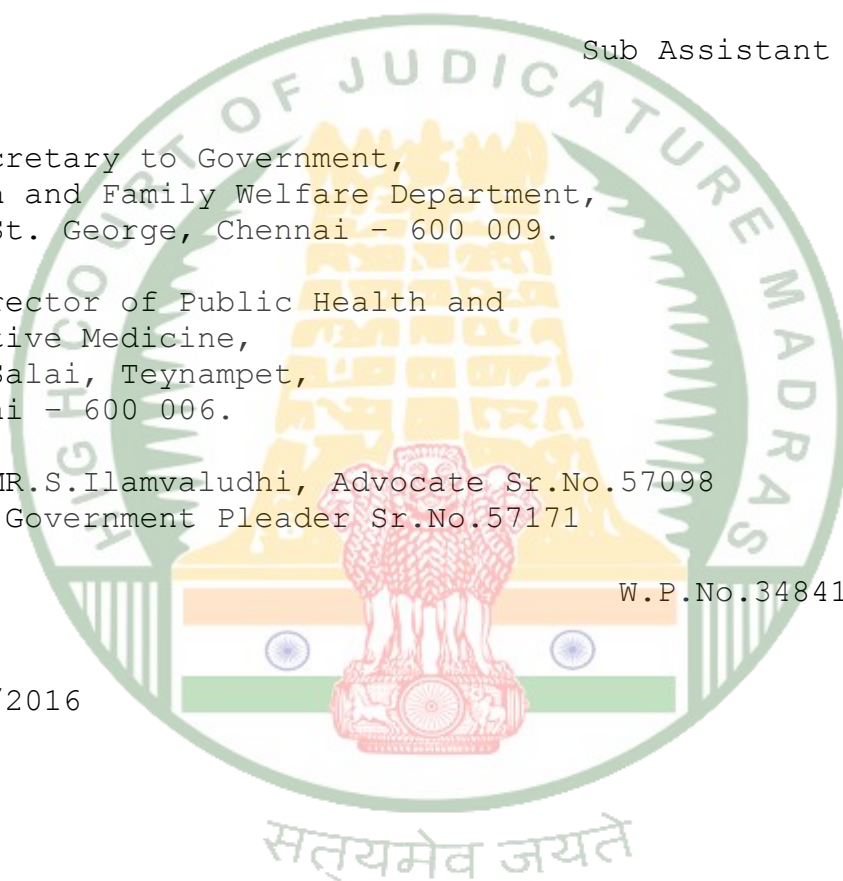
2. The Director of Public Health and
Preventive Medicine,
Anna Salai, Teynampet,
Chennai - 600 006.

+1 cc to MR.S.Ilamvaludhi, Advocate Sr.No.57098

+1 cc The Government Pleader Sr.No.57171

W.P.No.34841 of 2016

GR(CO)
RRI 15/11/2016



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