

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Nineteenth day of July Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

WMP NO.13600 & 13601 OF 2017 AND
WMP.18784 & 18875 OF 2017 IN
WP.12749/2017
AND WMP.16626 & 16627 OF 2017
IN WP.15333 OF 2017

DR. A.NANDHINI [PETITIONER IN WMP NO.13600 & 13601 OF 2017]
[1ST RESPONDENT IN WMP.18784 OF 2017]

DR.J.GANDHIMATHI [PETITIONER IN WMP NO.16626 & 16627 OF 2017]

VS

1 THE PRINCIPAL [1 TO 3 RESPONDENTS IN WMP NO.13600, 13601,
SECRETARY TO 16626 & 16627 OF 2017]
GOVERNMENT OF TAMIL NADU, [2 & 3 RESPONDENTS IN WMP.18784 & 18875/17]
HEALTH AND FAMILY
WELFARE DEPARTMENT,
SECRETARIAT, CHENNAI 600 009

2 THE DIRECTOR OF MEDICAL
EDUCATION (FAC), KILPAUK,
CHENNAI 600 010

3 DR. S.JAI KAILASH,
PROFESSOR OF DENTAL SURGERY, PETITIONER IN WMP NO.18784 OF 2017
COIMBATORE MEDICAL, COLLEGE [4TH RESPONDENT IN WMP.18875/17]
AND HOSPITAL (DENTAL),
COIMBATORE 641 014 IN REPRESENTATIVE
CAPACITY.

4 DR.S.JAYACHANDRAN [4th RESPONDENT IN WMP NO.13600 & 13601 OF 2017
AND PETITIONER IN WMP.18875 OF 2017]

Petition praying that in the circumstances stated therein and in
the affidavit filed therewith the High Court will be pleased to

(1)to grant an order of to grant an order of interim injunction
restraining the respondents from giving effect to or implementing or

taking any further steps pursuant to the impugned order Ref. No. 1407/E1/2/2017 dated 5.04.2017 issued by the 2nd respondent (in WMP No.13600 of 2017)

(2)to grant an order of interim stay of the order of the 2nd respondent made in Ref. No. 1407/E1/2/2017 dated 5.04.2017 (in WMP No.13601 of 2017)

(3)to vacate the interim order dated 17.5.2017 granted by this Honourable Court in W.M.P. No. 13601 of 2017 in W.P. No. 12749 of 2017(in WMP No.18784 of 2017)

(4)To vacate the interim order dated 17.5.2017 granted by this Honourable Court in W.M.P. No. 13601 of 2017 in W.P. No. 12749 of 2017 (IN WMP.18875 F 2017)

(5)to grant an order of interim stay of the order of the 2nd Respondent made in Ref. No.1407/ E1/2/ 2017 dated 5.4.2017 (in WMP No.16626 of 2017)

(6)to grant an order of Interim direction directing the 2nd Respondent to conduct counselling to the post of Associate Professor in Dental Surgery in June, 2017 or immediately thereafter within a time frame as may be fixed by this Honourable High Court (in WMP No.16627 of 2017) pending disposal of the writ petition

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavit filed in support thereof and upon hearing the arguments of M/S. K.SATHISH for M/S.KAAVYA SILAMBANAN ASSO., Advocate for the petitioner in WMP NO.13600 & 13601 OF 2017 and 1ST RESPONDENT IN WMP.18784 OF 2017 and of MR.K.DHANANJAYAN Special Government Pleader on behalf of the 1 & 2 RESPONDENTS IN WMP NO.13600, 13601,16626 & 16627 OF 2017 & 2 & 3 RESPONDENTS IN WMP.18784 & 18875/17 and of MR. RAVI, Advocate on behalf of the 3 RESPONDENTS IN WMP NO.13600, 13601,16626 & 16627 OF 2017 & PETITIONER IN WMP NO.18784 OF 2017 & 4TH RESPONDENT IN WMP.18875/17 and of M/S.B.VIJAY, Advocate on behalf of 4th RESPONDENT IN WMP NO.13600 & 13601 OF 2017 AND PETITIONER IN WMP.18875 OF 2017 the court made the following order:-

The Writ Petitions have been filed challenging the seniority list for the higher category of Reader in Dental Surgery/Associate Professor, issued by the Director of Medical Education (FAC), Kilpauk, Chennai.

2.The writ petitioners challenged the seniority list on the ground that their names have not been considered for inclusion in the seniority list. However, the writ petitioners have not impleaded the candidates who are all shown in the seniority list, as parties in

these writ petitions.

3.The learned counsel appearing for the writ petitioners contended that the Petitions filed by the writ petitioners under 2A of the Appellate Side Rules were allowed by this Court and the fourth respondent has been impleaded in representative capacity, representing the other 58 persons in respect of W.P.No.12749 of 2017 and 3rd respondent has been impleaded in representative capacity representing the other 58 persons in respect of W.P.No.15333 of 2017, mentioned in the impugned seniority list.

4.May that it be. The order challenged in these Writ Petitions is the seniority list and at the instance of writ petitioners, if the entire seniority list is stayed, the other eligible candidates due for promotion will be denied of their right of promotion. Therefore, this Court has to consider the balancing approach to be adopted while granting the interim order.

5.In the case on hand, the seniority list is under challenge in the Writ Petition. If the entire Seniority List is stayed at the instance of the one writ petitioner, all other qualified and eligible candidates who are arrayed in the seniority list will be denied of their right of promotion. Contrarily, in the event of succeeding in the writ petitions, this Court can grant appropriate relief to the writ petitioners, if necessary, even with retrospective effect. This apart, stalling the entire seniority and the promotion will affect the effective administration of the Department and the rights of other eligible candidates in the seniority list need not be stopped at this stage at the instance of one petitioner and this Court is of the view that it is suffice that the rights of the writ petitioners are preserved.

6.Accordingly, in the event of succeeding in the writ petitions, all suitable relief may be granted to the writ petitioners with regard to the seniority and promotion. Thus, the interim orders already granted stand vacated.

7.In the result, WMP.Nos.13600 & 137601 of 2017 in 12749 of 2017 and WMP Nos.16626 & 1627 of 2017 in W.P.No.15333 of 2017, stand dismissed and WMP Nos.18784 & 18875 of 2017 are disposed of on the above terms.

Post the Writ Petitions for final disposal, after four weeks.

-sd/-

19/07/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SECRETARY TO
GOVERNMENT OF TAMIL NADU, HEALTH AND FAMILY
WELFARE DEPARTMENT, SECRETARIAT, CHENNAI 600
009

2 THE DIRECTOR OF MEDICAL
EDUCATION (FAC), KILPAUK, CHENNAI 600 010

C.C. to M/S.KAAVYA SILAMBANAN ASSO. Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP NO.13600 & 13601 OF 2017 AND
WMP.18784 & 18875 OF 2017 IN
WP.12749/2017
AND WMP.16626 & 16627 OF 2017
IN WP.15333 OF 2017

Date :19/07/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
T.R (25/07/2017)