

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27551 of 2017

Dr.L.Shanmugavadivu .. Petitioner  
-vs-

1. State of Tamil Nadu  
rep.by its Principal Secretary to Government  
Health and Family Welfare Department  
Fort St.George  
Chennai 600 009
2. The Director of Medical and Rural Health Services  
DMS Complex Teynampet  
Chennai 600 006
3. The Director of Public Health and Preventive Medicine  
Teynampet, Chennai 600 006
4. The Director of Medical Education  
Kilpauk, Chennai 600 010
5. Dr.R.Manimegalai
6. Dr.Anitha Thamaraiselvi.A ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 4 to revise and re-fix the tentative Civil Medical List as on 01.01.2017 hosted by the second respondent through website with respect to the places of the respondents 5 & 6 in CML No.3465/2017 and in CML No.4209/2017 respectively by considering the representataon of the petitioner dated 12.09.2017 and consequently directing the respondents 1 to 4 to place the petitioner's name over and above the names of the respondents 5 and 6 in Civil Medical List for the year 2017 assigned as CML No.3465/2017 and 4209/2017 respectively as per General Rule 4(e) of Tamil Nadu State and Subordinate Service Rules.

For Petitioner :: Mr.M.K.Subramaniam  
for Mr.S.Senthil

For Respondents :: Mr.V.Jayaprakash Narayanan  
Special Government Pleader  
for R1 to 4

ORDER

The petitioner was selected in the examination conducted by the Tamil Nadu Public Service Commission and finally appointed as Assistant Surgeon by the proceedings of the Director of Public Health and Preventive Medicine, Chennai, the third respondent herein on 17.4.2000. It is her further claim that after joining the Post Graduation course in M.D.(Obstetrics & Gynaecology), she successfully passed the same during March, 2007. In the meanwhile, the services of the petitioner were also regularised with effect from 24.4.2000 by order dated 7.1.2003. Since the respondents 5 & 6 joined the service in the post of Assistant Surgeon only on 1.6.2001 and 13.6.2001 respectively, they cannot be placed above the petitioner in the tentative CML seniority list prepared as on 1.1.2017 by the respondents 1 to 4 by showing the petitioner in Serial No.4237 and the respondents 5 & 6 in Serial Nos.3465 and 4209 respectively. After seeing the placement of the petitioner below her juniors, she gave a representation on 12.9.2017 setting out the date of appointment of the petitioner and her juniors viz., respondents 5 & 6 to the Director of Medical Education, Chennai. But till date, the same has not been considered. In the meanwhile, the respondents 1 to 4 have also initiated the process for selecting the candidates for the promotional post of Associate Professor. As the seniority mentioned in the CML seniority list will be considered for further promotion upto the post of Associate Professor, unless a direction is given to consider the petitioner's representation, which clearly indicates the anomaly shown in the tentative CML seniority list for 2017, the petitioner would be put to grave prejudice by losing her chances of becoming an Associate Professor.

2. The learned Special Government Pleader for the respondents 1 to 4 sought two weeks time to consider the representation of the petitioner.

3. Since the representation of the petitioner has to be considered by the second respondent, this Court is not inclined to issue notice to the private respondents. Therefore, the second respondent is hereby directed to consider the representation of the petitioner, if need be by issuing notice to the affected parties, on merits with regard to the refixation of her seniority. The writ petition is disposed of accordingly. Consequently, W.M.P.Nos.29476 & 29477 of 2017 are closed. No costs.

ss

-sd/-

Assistant Registrar

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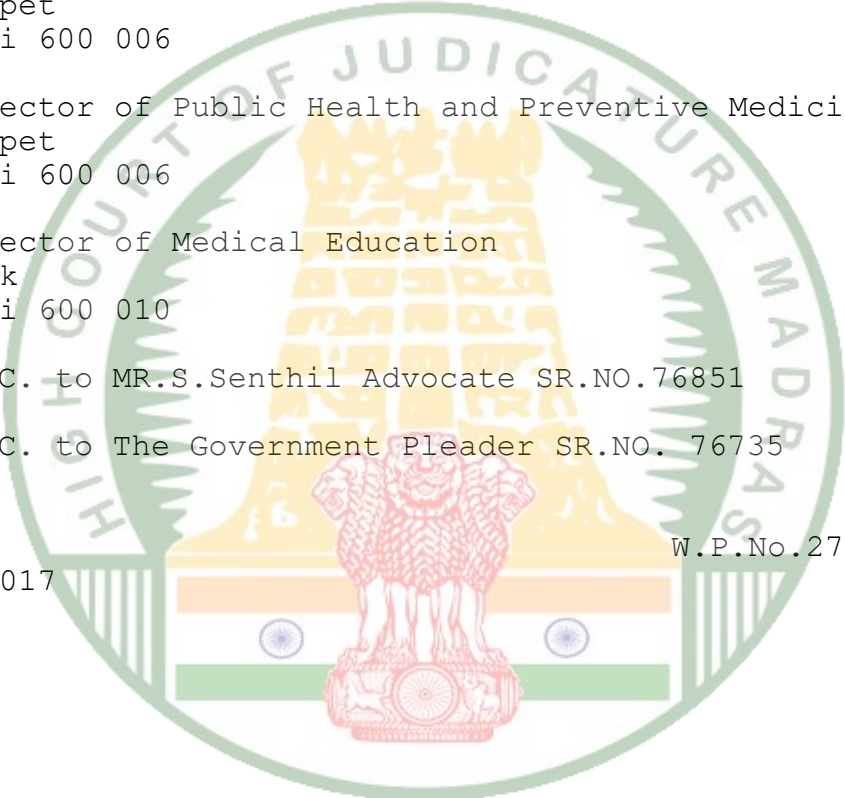
Sub-Assistant Registrar

To

1. The Principal Secretary to Government  
Health and Family Welfare Department  
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Chennai 600 009
  2. The Director of Medical and Rural Health Services  
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  4. The Director of Medical Education  
Kilpauk  
Chennai 600 010
- +1 C.C. to MR.S.Senthil Advocate SR.NO.76851
- +1 C.C. to The Government Pleader SR.NO. 76735

VS 21.11.2017

W.P.No.27551 of 2017



सत्यमेव जयते

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