

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.28 of 2017

Dr. Hemalatha Kapoorchand ...Petitioner

-Vs-

1. The Commissioner,
Commissionerate of Indian Medicine &
Homeopathy,
Arumbakkam,
Chennai - 600 106.

2. The Principal,
Govt. Ayurveda Medical College
and Hospital,
Nagercoil - 629 002,
Kanyakumari District.

...Respondents.

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to consider and pass orders on the representation of the petitioner dated 09.12.2016.

For Petitioner : Mr.S.Gunaseelan
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government accepts notice on behalf of the respondents.

2. The petitioner would state that she has completed degree of Bachelor of Ayurvedic Medicine and Surgery (Ayurvedacharya) on November, 1996 and also successfully completed M.D., Ayurveda in Prasuthithantra and Streeroga on May, 2002. The petitioner joined as a lecturer in the service of Dharma Ayurveda Medical College and Hospital, Sriperumbudur and worked from 09.07.2012

to 10.06.2013. She was temporarily appointed as a lecturer Grade-II (Ayurveda) on 11.06.2013 in Indian Medicine and Homeopathy Department in regular time scale of pay and posted at Government Ayurveda Medicine College, Kottar, Nagercoil, Kanyakumari District and worked in the said capacity till date in the same place. The petitioner further submitted that there was a vacancy for the post of Reader in Prasuti -Tantra and Striroga in the 2nd respondent College. Since the petitioner is having post graduate degree in that subject and also having teaching experience of 4 years and 6 months, she is the only eligible candidate to be considered in the said post. As the teaching experience prescribed for the post of Reader is 5 years, she has fallen short by four months and she prays for relaxation on the ground that in respect of very many persons, such relaxation has been done. Learned counsel would further submit that the petitioner has also submitted a representation dated 09.12.2016 to the respondents in this regard and it would be suffice to direct the first respondent to consider and dispose of the petitioner's representation in accordance with law, at an early date.

3. This Court heard the submission of the learned Special Government Pleader appearing on behalf of the respondents.

4. This Court, taking into account the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 09.12.2016 on merits and in accordance with law and pass orders 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 as well as the 2nd respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

M. SATHYANARAYANAN., J..

To

1. The Commissioner,
Commissionerate of Indian Medicine &
Homeopathy,
Arumbakkam,
Chennai - 600 106.

2. The Principal,
Govt. Ayurveda Medical College
and Hospital,
Nagercoil - 629 002,
Kanyakumari District.

+1cc to Mr.S. Gunasekaran, Advocate, S.R.No.375
+1cc to the Government Pleader, S.R.No.773

pk(CO)
md(24/01/2017)

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