

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.4758 of 2018

Dr.K.D.Mohana Sundarai ...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 Compound,
Theynampet,
Chennai-600 006.

3.The Director of Public Health and Preventive Medicine,
Theynampet,
Chennai-600 006.

4.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

5.Dr.R.Manimegalai,
Senior Assistant Professor,
Department of Obstetrics & Gynecology,
Government Mohan Kumaramangalam Medical College,
Salem.

6.Dr.A.Anitha Thamaraiselvi,
Senior Assistant Professor,
Department of Obstetrics & Gynecology,
Government Medical College,
Dharmapuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to revise and refix the civil medical list as on 01.01.2017 hosted by the 2nd respondent through website with respect to the places of the respondents 5 and 6 in CMLSL No.3465/2017 and in CML SL No.4209/2017 respectively, by considering the representation of the petitioner dated 15.09.2017 and consequently, direct 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 CML No.4209/17 respectively as per General Rule 4(e) of the Tamil Nadu State and Subordinate Services Rules.

For Petitioner : Mr.S.Venkatasubramaniyan

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader for R1 to R4

Mr.Ma.Gowthaman for R5

ORDER

The grievance of the petitioner in this Writ Petition is that, though he had made grievance against the seniority fixed, being the Senior Assistant Professor to the respondent No.1 dated 15.09.2017, the same is yet to be disposed of, hence, the petitioner has sought for a Writ of Mandamus, directing the respondent Nos.1 to 4 to consider the petition within a stipulated period taking into consideration the relevant rules.

2. Notice in this case was issued to the respondents including the private respondents. Though the private respondents have been served with the notice, but none appears for the 6th respondent.

3. I have heard the learned counsel appearing for respondent No.5 and he has sought for adjournment for filing counter. However, considering the nature of relief sought for by the petitioner and as in similar case and circumstances, a Bench of this Court in W.P.No.27551 of 2017, wherein the same private parties were also the parties, have disposed of the same without providing notice to them to dispose of the representation within the stipulated period, I am of the view that no useful purpose is going to be served, by allowing the private parties to file their counter to this Writ Petition. However, if an order is passed, directing the Authorities to hear all the affected parties including the private respondents in this case, by putting them into notice of such representation of the petitioner and asking their response before taking a decision,

the disposal order of this Writ Petition on the appearance of the counsel of the respondent including the private respondents can no way prejudice the petitioner.

Accordingly, this Writ Petition is disposed of directing the respondent No.2 to consider the representation of the petitioner within a period of six weeks from the date of receipt of a copy of this order in accordance with law by putting on notice to all the parties to be affected including the private respondents and seeking their response on the same, by an informed and considered decision and communicate the same to all of them. However, this Court has expressed no opinion in any manner on the merit of such representation. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Medical and Rural Health Services,
DMS Compound,
Theynampet,
Chennai-600 006.

3.The Director of Public Health and Preventive Medicine,
Theynampet,
Chennai-600 006.

4.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

+1cc to Mr.S.Venkatasubramaniyan, Advocate, S.R.No.35207.

W.P.No.4758 of 2018

NRL (CO)
BM 13/07/2018