

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fifth day of April Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP.No.29127 of 2017

in WP.No.27277 of 2017

DR.R.NILAVI
CHIEF CIVIL SURGEON, GOVERNMENT
MEDICAL COLLEGE & ESI HOSPITAL,
COIMBATORE 641 015

[PETITIONER]

Vs

1 THE STATE OF TAMILNADU
REP.BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009

[RESPONDENTS]

2 THE DIRECTORATE OF MEDICAL
EDUCATION, KILPAUK, CHENNAI-600010

3 THE DIRECTOR OF MEDICAL
& RURAL HEALTH SERVICES (ESI),
CHENNAI-600 006

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondents to keep one post vacant for the position of Associate Professor in the Department of General Surgery in GMC & ESIC Hospital, Coimbatore, (in WMP.No.29127/2017) pending disposal of the above WP.No.27277/2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.MAHESWARI, Advocate for the petitioner and of M/S.P.RAJA, Government Pleader on behalf of the 1 to 3 Respondents the court made the following order:-

The grievance of the petitioner is that though he has obtained all the required qualification for designated Associate Professor as per the Medical Council of India norms, but he has been denied of the same designation of Associate Professor and his representation in this regard to the 2nd and 3rd respondent has not been addressed to. In the meanwhile, without according him necessary promotion, the respondents 2 and 3 are going to fill up the post of Associate Professor which remains vacant in the Department of General Surgery in Government Medical College, especially in ESI Hospital. Therefore, the petitioner in this Miscellaneous petition made a prayer to keep one post vacant, pending disposal of the grievance of the writ petitioner.

2. After hearing the counsel for the parties and going through the materials on record, it appears the grievance of the petitioner is that though he is qualified to be appointed as Associate Professor, but he has been ignored and the authorities are now going to fill up the post. The said claim of the petitioner is yet to be adjudicated. The post is one relating to the Health Department /Medical Service. The same is in the interest of the general health of the public. Keeping a post vacant thereof shall affect the health service. Therefore, I am not inclined to entertain the prayer made by the petitioner to keep the post vacant. However, the vacancy be filled up herein after in respect of the discipline in which the petitioner claims promotion/designation, shall be subject to the result of the writ petition.

3. With the aforesaid order, this miscellaneous petition stands dismissed.

-sd/-
25/04/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SECRETARY TO
GOVERNMENT, THE STATE OF TAMILNADU,
HEALTH & FAMILY WELFARE DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600 009

2 THE DIRECTORATE OF MEDICAL
EDUCATION, KILPAUK, CHENNAI-600010

3 THE DIRECTOR OF MEDICAL
& RURAL HEALTH SERVICES (ESI),
CHENNAI-600 006

C.C. to M/S.R.MAHESWARI Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.29127/2017

in
WP.27277/2017

Date :25/04/2018

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