

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.29732 of 2018

and

W.M.P.Nos.34686 and 34687 of 2018

S.Usha

.. Petitioner

Vs

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

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the first respondent dated 05.10.2018 in Ref.No.74502/SCI/2/2018 and to quash the same.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondent. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer sought for in this writ petition is to quash the charge memo bearing Ref.No.74502/SCI/2/2018, dated 05.10.2018 issued by the respondent.

3. The case of the petitioner is that she was working as a Professor in Coimbatore Medical College, Coimbatore. On 25.07.2018, based on the medical certificate issued by Dr.P.S.Mansur, Senior Assistant Professor, General Medicine, Coimbatore, the petitioner issued a medical certificate to one Mohammed Shihab (prisoner). The Inspector of Police, C1 Kattor Police Station, Coimbatore enquired into the genuineness of the medical certificate and filed a report, stating that without examining the accused, the petitioner had issued a medical certificate to Mohammed Shihab. Based on the said report, a criminal case was registered against the petitioner and

following the same, disciplinary proceedings was also initiated under Rule 17(b) of the Tamil Nadu Civil Services (D & A) Rules and charges were framed against her, to which, she submitted her reply to the Dean, Coimbatore Medical College Hospital and requested to absolve her from the charges. However, the same has not been considered by the respondent. Aggrieved over the same, the petitioner is before this Court.

4. Though the petitioner has raised many grounds to challenge the charge memo, the learned counsel for the petitioner confined the relief sought for herein to the extent of seeking a direction to the respondent to complete the enquiry within a stipulated time as prescribed by this Court, for which, the learned Special Government Pleader appearing for the respondent has no serious objection.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent to complete the enquiry, on the disciplinary proceedings initiated against the petitioner and pass appropriate orders on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

vsn/ms

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.79088
+1cc to the Government Pleader, S.R.No.79166

W.P.No.29732 of 2018
and

W.M.P.Nos.34686 and 34687 of 2018

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