



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3741 of 2018

WEB COPY

Dr.T.Gnanasekaran,
Assistant Professor,
Department of Urology,
Government Rajaji Hospital and
Madurai Medical college,
Madurai.

... 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.Chengalvarayan,Mch(Uro)
Assistant Professor, Department of Urology,
Rajiv Gandhi Government General Hospital,
Chennai 3.
 - 6.Dr.Rajakumari,Mch(Uro)
Tutor/S.R,Dept of Anatomy,
Tirunelveli Medical college,
Tirunelveli.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a 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 & 6 in CML No.2751/2017 and in CML No.2799/2017 respectively, by considering the representation of the petitioner dated 18.01.2018 and consequently direct the respondents 1 to 4 to place the petitioner's name over and above the names of the



respondents 5 & 6 in Civil Medical List for the year 2017 assigned as CML No.2751/2017 and in CML No.2799/2017 respectively as per General Rule 4(e) of Tamil Nadu State and Subordinate Service Rules.

For Petitioner : Mr.S.Venkatasubramaniyan

For Respondents

No.1 to 4 : Mr.K.Saravanan,
Government Advocate

For R5 & R6 :No Appearance

ORDER

The writ petitioner is presently working as Assistant Professor in the Department of Urology, Government Rajaji Hospital & Madurai Medical College, Madurai. He was appointed on 20.11.1997. The fifth respondent herein joined service on 12.03.1999. The sixth respondent herein joined service on 01.03.1999. It is thus clear that the writ petitioner joined service in the month of November 1997, whereas, the private respondents joined service several months later. But, when the 2017 Civil Medical List (CML) seniority list was prepared, the fifth and sixth respondents have been shown above the writ petitioner. Contending that the preparation of the list is against the statutory rules, the writ petitioner has submitted a representation dated 18.01.2018. The writ petitioner's apprehension is that without rectifying the mistakes that have crept-in, the panel for promotion to the post of Associate Professor would be prepared. That is why, he has rushed to this Court.

2. The learned Counsel for the petitioner drew the attention of this Court to an order dated 27.10.2017 passed by the Principal Seat in W.P.No.27551 of 2017, in which, a direction has been given to consider the case of the writ petitioner therein, if need be by issuing notice to the affected parties, with regard to the fixation of seniority.

3. Since an apprehension has been raised that the promotion panel is to be drawn shortly, the second respondent herein is directed to consider and pass orders on the writ petitioner's representation dated 18.01.2018, within a period of two weeks from today.

4. This Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

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



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

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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.VENKATASUBRAMANIAN,Advocate,SR. 52128
+1cc to M/S.Special Government Pleader,SR. 52341

W.P. (MD)No.3741 of 2018
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GK
KK/SKN RSK/SAR 2/01.03.2018/ 3P- 7C/