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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11627 of 2018

and

W.M.P. (MD) No.10590 of 2018

Prabavathi Anbarasi

...Petitioner

Vs.

- 1) The Principal Secretary to Government,
Health and Family Welfare (L-2) Department,
Secretariat,
Fort St.George,
Chennai 600 009
- 2) The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk,
Chennai 600 010
- 3) The Director of Medical Services,
Teynampet, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from conducting counselling which is scheduled from 01.06.2018 for promotion to the post of Nursing Superintendent (Grade-II) without adding the petitioner in promotion panel in her seniority number as 7085.

For Petitioner : Mr.K.Rajeshwaran

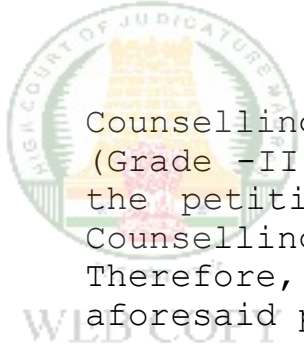
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, forbearing the respondents from conducting counselling which is scheduled from 01.06.2018, for promotion to the post of Nursing Superintendent (Grade-II), without adding the petitioner in promotion panel in her seniority number as 7085.

2. Heard Mr.K.Rajeshwaran, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. The main grievance of the petitioner is that, even though the petitioner is eligible to participate in the General



Counselling for Promotion to the post of Nursing Superintendent (Grade -II), the petitioner's name has not been included and also, the petitioner was not permitted to participate in the ongoing Counselling for the post of Nursing Superintendant (Grade-II). Therefore, the petitioner has come before this Court with the aforesaid prayer.

4. Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents, today, has submitted a proceedings issued by the Director of Medical and Rural Health Services in ref.No.54915/N2/1/2017 dated 25.06.2018. In the said proceedings, the Director of Medical and Rural Health Services, who is the third respondent herein, has stated the following:

"I am to state that the proposal of Tmt.T.Prabavathy Anbarasu for the Nursing Superintendant II Grade Panel 2017-18 was received by this office vide reference third cited. The individual filed a case in W.P.(MD) No.569 of 2009 against Government before Honourable Madurai Bench of Madras High Court. In the Judgment order date:05.04.2016, the Honourable Madurai Bench of Madras High Court quashed the Government Order in reference fourth cited.

As per Court order of Hon'ble Madurai Bench of Madras High Court in W.P.(MD) No.569 of 2009, the Government in the G.O.(D) No.1101, Health and Family Welfare(I-2) Department, Dated: 15.06.2018, has set aside the punishment of stoppage of increment for a period of two years with cumulative effect on Tmt.Prabhavathi Anbarasi, Nurse, Tirunelveli Medical College, Hospital, issued in the G.O.fifth cited.

Based on the above order, the petitioner is allowed to attend the promotion counselling for the post of Nursing Superintendent II Grade for the year 2017-18 on 26.06.2018 and necessary posting order will be issued subsequently.

I therefore request the fact may be intimated to the Court to dismiss the Writ Petition."

5. Since the petitioner has been allowed to attend the Promotion Counselling for the Post of Nursing Superintendent(Grade - II) , for the year 2017-18, on 26.06.2018 and necessary posting orders will be issued subsequently, based on the Counselling, the petitioner cannot have any grievance.

<https://hcservices.courts.tn.in/hcservices/> of the said order having been passed by the third respondent herein, recording the same, this Writ Petition is disposed of, as no further issue is pending for adjudication



before this Court. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.10590 of 2018 is closed.

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sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1) The Principal Secretary to Government,
Health and Family Welfare (L-2) Department,
Secretariat,
Fort St.George,
Chennai 600 009
- 2) The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk,
Chennai 600 010
- 3) The Director of Medical Services,
Teynampet, Chennai.

+1cc to Mr.K.Rajeshwaran, Advocate Sr.No.70010

STS

VB/PN/SAR4/18.07.2018/3P/5C

Order made in
W.P. (MD) No.11627 of 2018
26.06.2018