

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.822 of 2019

Dr.S.Shazamani

... Petitioner

Vs

- 1.Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town
Chennai 600 003.
- 2.The Secretary, Health and Family Welfare department
Fort st george, Chennai-9
3. The commissioner, Indian medicine and Homeopathy
Arignar Anna Government Hospital Campus
Arumbakkam, Chennai-106
4. The secretary, Central Council of Indian Medicine
61-65, Institutional Area, Janakpuri D block New
Delhi-110 058
5. The Prinicipal, Unani Medical College
Arignar Anna Government Hospital Campus
Arumbakkam, Chennai-106
6. The District Siddah Medical Officer
Govt Head Quarters Hospital Vellor

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing directing the respondents 2 and 4 herein to forthwith consider and pass appropriate orders upon the representation dated 14-12-2018 to issue teacher grade to the petitioner.

For Petitioner :Mr.S.Haja Mohideen Gisthi

For Respondent :Mrs.C.N.G.Niraimathi,
Standing Counsel for R1
Mr.R.S.Selvam, Government Advocate for R2

O R D E R

The petitioner, who was holding BUMS (Bachelor Degree in Unani Medicine and Surgery), was appointed as Assistant Medical Officer at Government Primary Health Center, Kaveripakkam on 27.12.2014 and was deputed to the post of Resident Medical Officer (Unani) at the Government Unani Medical College, Arignar Anna Government Hospital for Indian Medicine, Chennai-106 as per the order dated 09.01.2015. While so, the Government issued Notification No.11-76/2011-UG dated 24.05.2013, under which as per Regulation No.14, dealing with regard to the qualifications and experience for teaching staff for under graduate course students, a Post Graduate Qualification, besides under graduation in BUMS from a recognized university in the concerned subject for fresh recruitment of lecturers was prescribed as an essential qualification. Based on the said notification, the petitioner, who was deputed to the Government Unani Medical College, was not permitted to teach the BUMS students as he did not possess a post graduate qualification. It is the claim of the petitioner that though the notification was notified in the year 2013, the same was not given effect from the academic year 2014-15 and that the petitioner was appointed as teaching faculty even before the academic year 2014-15 and hence he shall be allowed to teach the BUMS course students. So claiming, the petitioner has given a representation to the respondents on 14.12.2018, which did not evoke any response. Hence, the petitioner has filed the present writ petition for appropriate relief.

2. Mrs.C.N.G.Niraimathi, learned Standing Counsel takes notice for the first respondent and Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the second respondent. Heard the learned counsel on either side and perused the materials placed on record.

3. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the concerned respondents to consider the representation of the petitioner and pass orders on the same within a particular time frame.

4. In the above circumstances, this writ petition is disposed of directing the second and fourth respondents to consider the representation of the petitioner dated 14.12.2018 and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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6. The District Siddah Medical Officer
Govt Head Quarters Hospital Vellore.

+1cc to M/S.S.Haja Mohideen Gisthi, Advocate sr.2558

W.P.No.822 of 2019

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srg 28/01/2019