

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21759 & 21760 of 2018

and

W.M.P.Nos.25523 & 25524 of 2018

K.Arunprasad

..Petitioner in W.P.No.21759/2018

R.Selvakumar

..Petitioner in W.P.No.21760/2018

vs

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

2.The Director of Medical Education,
Ponnamalee High Road, Chennai - 600 010.

3.The Joint Director of Medical Education,
Ponnamalee High Road, Chennai - 600 010.

.. Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Government order issued in G.O.(Ms).No.319, Health and Family Welfare (J1) Department dated 01.08.2018 passed by the 1st respondent and Circular issued in Ref.No.61027/E2/1/2018 dated 16.08.2018 (served on 21.08.2018) passed by the 2nd respondent and quash the same and consequently direct the respondents to allow the petitioners to continue as Lecturer in Stanley Medical College, Chennai-600 001.

For Petitioners : Mr.S.Ilamvaludhi (in both W.Ps)

For Respondents : Mr.R.S.Selvam

Government Advocate

(in both W.Ps)

C O M M O N O R D E R

The order issued by the 1st respondent in G.O.Ms.No.319, Health and Family Welfare(J1) Department dated 01.08.2018 regarding the Redeployment of 16 posts of Lecturer in Pharmacy to the Government Thanjavur medical College, Thanjavur, Government Madurai Medical College, Madurai and Government Coimbatore Medical College, Coimbatore is under challenge in the present writ petition.

2.The writ petitioners were joined as Pharmacist and they were working in Stanley Hospital at Chennai.

3.The learned counsel for the writ petitioners state that while redeploying the employees, the authorities have not considered the fact that some of the junior employees are retained in Chennai and the writ petitioners, who are seniors are redeployed to other medical colleges.

4.Redeployments of employees is on certain administrative exigencies. Redeployment would not affect the service conditions of the Government servants. When such redeployments are made on extraneous considerations, then alone, the Courts can exercise the powers of judicial review, so as to interfere with such orders. If the redeployments are made on certain administrative reasons, then the employees are bound to serve wherever they are posted.

5.In the present case on hand, on redeployment, the service conditions of the writ petitioners are not violated or infringed. Place and post can never be claimed as a matter of choice. The public servants are liable to work wherever they are posted in the interest of public administration and the public at large.

6.Under these circumstances, this Court is of an opinion that the grounds raised in the present writ petitions are insufficient to interfere with the order of redeployment passed by the Government in G.O.Ms.No.319, Health and Family Welfare(J1) Department dated 01.08.2018 is that the Post of Lecturer as a Teaching post in the Pharmacy Education and said post shall be created in the Colleges, where Diploma course is conducted. Therefore, the Posts which are in Colleges, where there is no Pharmacy programme, are treated as non-teaching posts only. In view of this, the incumbents have no teaching experience and promotional opportunities are not there for them.

7.It is further stated that as per the latest Medical Council of India regulations, the post of Lecturer in Pharmacy is not required for MBBS Course, since the Dispensing Pharmacy under the subject Pharmacology does not exist for MBBS Course at present. On the contrary, the Medical Colleges, where there is Pharmacy programme is going on are facing a shortage of teaching staff as per Pharmacy Council of India(PCI) norms and All India Council for Technical Education(AICTE) norms. A complaint has also been filed with the All India Council for Technical Education, New Delhi regarding the shortage of teaching staff and the Standing Complaint Scrutiny Committee of the AICTE in its Proceedings dated: 26th and 27th September 2017 has directed the State Government and the Medical Education Department to fill up the vacancies of teaching staff at the earliest.

8.If the Lecturer in Pharmacy posts are redeployed from the Medical Colleges, where there is no Pharmacy Programme to the needy Medical Colleges, where there is Pharmacy Programme, the shortage of teaching staff can be overcome to some extent and the staff will also gain teaching experience.

9.The purpose and object of the redeployment has been well narrated in the Government order. Certainly, the purpose and object is in consonance with the regulations issued by the Medical Council of India as well as All India Council for Technical Education(AICTE) norms.

10.This being the factum, the redeployment is to be construed as an administrative necessity and accordingly, there is no irregularity or infirmity as such.

11.The learned counsel for the writ petitioners admits the fact that the counseling had already been completed and under these circumstances, no further consideration needs to be undertaken in respect of the grounds raised in the present writ petitions.

12.Accordingly, both the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

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To

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

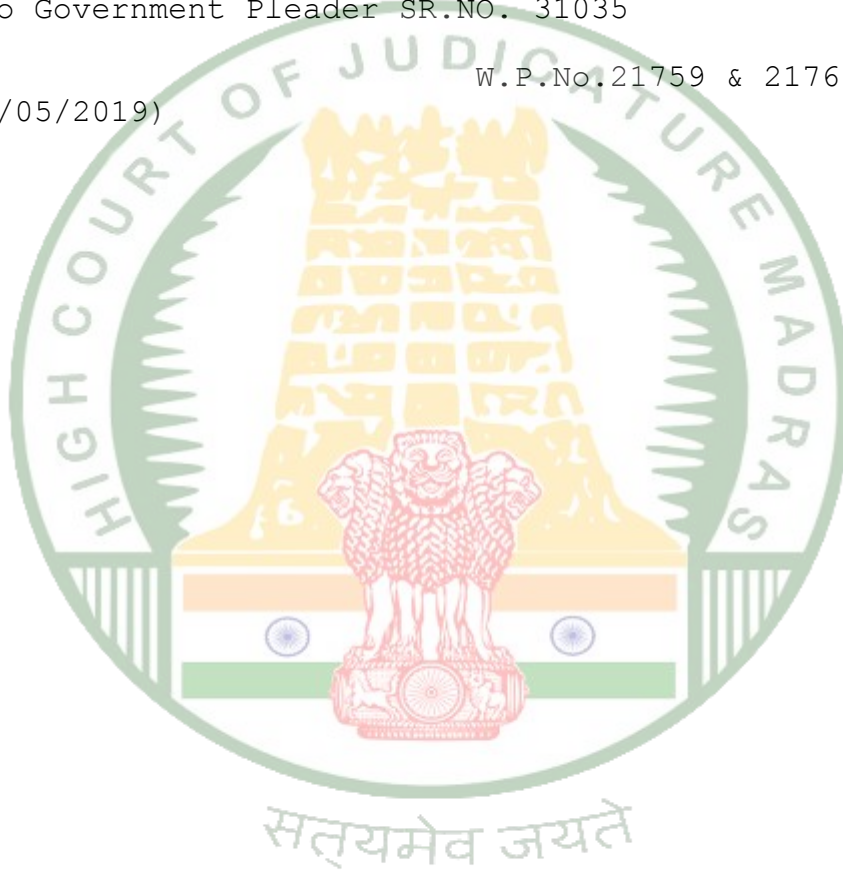
2.The Director of Medical Education,
Ponnamalee High Road, Chennai - 600 010.

3.The Joint Director of Medical Education,
Ponnamalee High Road, Chennai - 600 010.

+1 cc to Government Pleader SR.NO. 31035

W.P.No.21759 & 21760 of 2018

A.SK(02/05/2019)



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