

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Date : 17.05.2019
CORAM
THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
W.P.No.14472 of 2019
and
W.M.P.No.14483 of 2019

Dr.S.M.Senthilnathan

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.

2.The Director of Medical Education,
E.V.R.Salai,
Kilpauk, Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the action of the respondents in not considering the petitioner for promotion to the post of Associate Professor in Anaesthesiology in the counselling to be held for the panel year 2019 on the ground that the Petitioner temporarily relinquished the promotion when granted in March 2017 as illegal, arbitrary, contrary to law and consequently direct the Respondents to include the name of the Petitioner in the counselling to be held for the panel year 2019 for promotion to the post of Associate Professor in Anaesthesiology based on his seniority in the Civil Medical List of the year 2018 and consider him for promotion to the post of Associate Professor in Anaesthesiology.

For Petitioner : Mr.R.Kamatchi Sundaresan
For Respondents : Mr.V.Kathirvelu

ORDER

The writ petitioner has filed the Writ Petition, seeking to declare the order of the respondents in not considering the petitioner's promotion to the post of Associate Professor in Anaesthesiology in the counselling to be held for the panel year 2019. According to the petitioner, the respondents would not consider him for the said promotion since he had relinquished the promotion when granted in March 2017.

2. It is the contention of the learned counsel for the writ petitioner that the earlier relinquishment was a temporary relinquishment and could not be held against the petitioner when the panel is drawn for promotion in the year 2019.

3. Taking into account the restructuring of the panel for promotion to the post of Associate Professor, pursuant to G.O. (4D).No.2, dated 15.02.2019, passed after the date on which the petitioner gave relinquishment, the relinquishment per se cannot be held against the petitioner. Therefore, keeping in view the limited scope of the Writ Petition, a direction is issued to the respondents that whenever they draw the panel for the post of Associate Professor in the year 2019, they may also consider the representation of the petitioner and pass suitable orders in accordance with law.

4. The writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg/ssi

To:

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

2. The Director of Medical Education,
E.V.R. Salai,
Kilpauk, Chennai - 600 010.

+1cc to Mr. R. Kamatchi Sundaresan, Advocate, S.R.No.44043

W.P.No.14472 of 2019

and

W.M.P.No.14483 of 2019

RSV(CO)
CS(23/05/2019)