



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20427 of 2019

B.Kumudhaveni

... Petitioner

-vs-

1.The Secretary to Government,  
Health and Family Welfare (AA1) Department,  
Secretariat, Chennai-600 009.

2.The Director of Medical Education,  
Kilpauk,  
Chennai-600 010.

3.The Principal,  
College of Pharmacy,  
Madras Medical College,  
Chennai-600 003.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the First Respondent i.e., the Secretary to Government, Health and Family Welfare (AA1) Department, Chennai to consider and pass appropriate orders on the petitioner representation dated 26.04.2019 on merits, and in accordance with law regarding re-fixation of the petitioner seniority and ordering notional promotion as Associate Professor on par with the departmental promotees or on par with the directly recruited candidates, within a specified time frame, that may be fixed by this Honorable Court.

For Petitioner : Ms.Gopika Nambiar

For Respondents: Mr.J.Pothiraj

Spl. Govt. Pleader

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O R D E R

This Writ Petition has been filed for a direction to the 1<sup>st</sup> Respondent to consider and pass appropriate orders on the petitioner's representation dated 26.04.2019 on merits, and in accordance with law regarding re-fixation of the petitioner's seniority and ordering notional promotion as Associate Professor on par with the departmental promotees or on par with the directly recruited candidates.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.



3. The case of the Petitioner is that she is presently serving as an Assistant Professor in the third respondent Medical College. According to the petitioner, she made a representation dated 26.04.2019 regarding re-fixation of seniority and ordering notional promotion as Associate Professor on par with the departmental promotees or directly recruited candidates and the same has not been considered so far by the respondents. Hence, the petitioner is before this Court, seeking for the above direction.

4. The learned counsel for the Petitioner has produced a copy of the judgment passed by the Madurai Bench of Madras High Court in the case of M.R.Vinayagamurthi vs. The Secretary to Government, Chennai and others [W.P.(MD) No.8260 of 2019] decided on 05.04.2019, wherein a direction was issued for consideration of the representation of the Petitioner therein in similar circumstances.

5. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's representation would be considered on merits and appropriate orders be passed by the 1<sup>st</sup> respondent.

6. In view of the above submission, this Court, without going into the merits of the case, directs the First Respondent to consider the petitioner's representation dated 26.04.2019 with regard to re-fixation of seniority and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as all the persons, who are likely to be affected by such re-fixation. The First Respondent shall also consider the delay aspect, while passing orders on the representation, as the Hon'ble Supreme Court has time and again held that the settled seniority cannot be disturbed.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary to Government,  
Health and Family Welfare (AA1) Department,  
Secretariat, Chennai-600 009.
- 2.The Director of Medical Education,  
Kilpauk,  
Chennai-600 010.
- 3.The Principal,  
College of Pharmacy,  
Madras Medical College,  
Chennai-600 003.

+lcc to Ms.Gopika Nambiar, Advocate sr.59657  
+lcc to Government Pleader sr.60227

W.P.No.20427 of 2019

gp(co)  
nr 19/08/2019