

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 22974 of 2019
and
W.M.P.No. 22622 of 2019

Dr.S.Ramesh
S/o.K.Subburaman,
Associate Professor in Pathology,
Government Mohan Kumaramangalam Medical College,
Salem.
..Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to pass orders re-designating the petitioner to the post of Professor in Pathology with effect from 15.03.2013 as per Medical Council of India (MCI) norms on par with juniors based on Civil Medical List (CML) seniority and consequently consider the petitioner for posting as Vice Principal in Government Mohan Kumaramangalam Medical College and Hospital, Salem or in other vacant place, created as per G.O.(4D).No.2 Health and Family Welfare Department dated 15.02.2019.

For Petitioner	: Mr.G.Sankaran
For Respondents	: Mr.V.Kathirvelu
	Special Government Pleader.

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to pass orders re-designating the Petitioner to the post of Professor in Pathology with effect from 15.03.2013 as per Medical Council of India (MCI) norms on par with juniors based on Civil Medical List (CML) seniority and consequently consider the Petitioner to be posted as Vice Principal in Government Mohan Kumaramangalam Medical College and Hospital, Salem or in any other vacant place, created as per G.O.(4D).No.2, Health and Family Welfare Department dated 15.02.2019.

2. The case of the petitioner is that he was initially appointed as Tutor in Pathology at Government Madurai Medical College through Tamil Nadu Public Service Commission (TNPSC) Speciality selection vide order issued by DPH dated 06.02.2004. Having regard to the fact that the petitioner qualified with P.G. Degree M.D., (Pathology), the petitioner was re-designated as Assistant Professor after period of one year service. The petitioner services have been regularized and probation was also declared. The petitioner was assigned with CML No. 8957/2010.

3. The learned counsel appearing for the petitioner submits that after five years of service and Teaching Experience, he was promoted to the post of Associate Professor in Pathology through counselling conducted on September 2009, as per MCI norms and he also joined the post of Associate Professor on 30.09.2009. The petitioner's promotion was made as per G.O.Ms.No.1017, Health and Family Welfare Department, dated 14.09.2001 and subsequent proceedings issued by DME, dated 29.09.2009. The petitioner was transferred to Government Mohan Kumaramangalam Medical College and Hospital on May 2011.

4. The learned counsel appearing for the petitioner would further submit that after completion of four years of teaching experience as on, 15.03.2013, the petitioner become eligible for re-designation as Professor in Pathology as per MCI norms. Further, Government of Tamil Nadu issued orders in G.O.Ms.No.354, Health and Family Welfare Department, dated 23.10.2009, for re-designation and re-fitment to the post of Professor on completion of requisite period of service. In the said circumstances, the petitioner submitted a representation dated 17.06.2013, and the same was forwarded to the 2nd respondent through Dean on 25.06.2013. Since, the representation dated 17.06.2013,

was not considered by the respondents, the petitioner filed this Writ Petition.

5. Without expressing any opinion on merits, I am inclined to issue a direction to the second respondent to dispose of the Writ Petitioner's representation dated 17.06.2013, within a period of six weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmm

To

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

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

+1cc to Mr.G.Sankaran , Advocate SR.No. 76390

W.P.No. 22974 of 2019

A.SK(16/10/2019)

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