

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28473 of 2019

and

WMP.No.28181 of 2019

Dr. V.R. Selva Ambigai

..Petitioner

vs

1. The Chairman/Chief Secretary,
Departmental Promotion Committee,
Mother Theresa Post Graduate &
Research Institute of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry- 06.

2. The Vice-Chairman/Secretary to Government,
Health and Family Welfare Services,
Government of Puducherry,
Puducherry -06.

3. The Dean,
Mother Teresa Post Graduates & Research Institute
of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry -06.

4. The Pondicherry University,
R.V. Nagar, Kalapet,
Puducherry -14.

5. The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I, New Delhi- 110020

6. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road,
Chennai- 4.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, direction or order in the nature of writ to direct the respondents 1-3 to appoint the persons who possess the Ph.D. Qualification in so far as the appointment of Associate professor in Nursing (Pediatrics) by following the norms prescribed by the Indian Nursing Council and the University Grants commission.

For Petitioner : Mr. S. Sivakumar

For Respondents : Ms. A. V. Bharathi for R4

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner filed this Writ Petition seeking direction to direct the respondents 1-3 to appoint the persons who possess the Ph.D. Qualification in so far as the appointment of Associate professor in Nursing (Pediatrics) by following the norms prescribed by the Indian Nursing Council and the University Grants commission.

3. The case of the petitioner is that the the petitioner was appointed as Staff Nurse in the Government Hospital, Puducherry on 15.08.2001 and on duputation she served as Tutor in the JIPMER from 01/2008 to 09/2011 and severed as Assistant Professor on deputation in the third respondent institution from 07/2013 to 10/2015 and thereafter by considering the petitioner's performance and the qualification, she was absorbed permanently in the same post on 28.10.2015 and continuing as such till date. Thereafter the third respondent has proposed to fill up the post of Associate Professor in pediatrics by promotion, there were three Assistant Professors including the petitioner in the pediatrc wing out of which petitioner only possessed Ph.D. Qualification with experience. However the respondent did not consider.

4. The respondent herein in fact has failed to adhere the present recruitment rule since the other two persons are not even completed the service condition that is five years after post-graduation and they failed to give due importance to the Ph.D. Holder in spite of the specific instruction of the affiliated university namely the fourth respondent herein. Aggrieved by that the petitioner sent a representation to the university and the State Nursing council and prayed to look into

the matter. After the receipt of the representation the University of Pondicherry has sent a communication dated 16.09.2019. Thereafter the petitioner sent another representation on 19.09.2019 to the respondents till date not considered, hence the present Writ Petition is filed.

5. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondents to dispose of the representation dated 19.09.2019 on merits and in accordance with law.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to dispose of the representation dated 19.09.2019, on merits and in accordance with law within a period of twelve (12) 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-III)

//True copy//

Sub Assistant Registrar

mrn

To

1. The Chairman/Chief Secretary,
Departmental Promotion Committee,
Mother Theresa Post Graduate &
Research Institute of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry- 06.

2. The Vice-Chairman/Secretary to Government,
Health and Family Welfare Services,
Government of Puducherry,
Puducherry -06.

3. The Dean,
Mother Teresa Post Graduates & Research Institute
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5. The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre,
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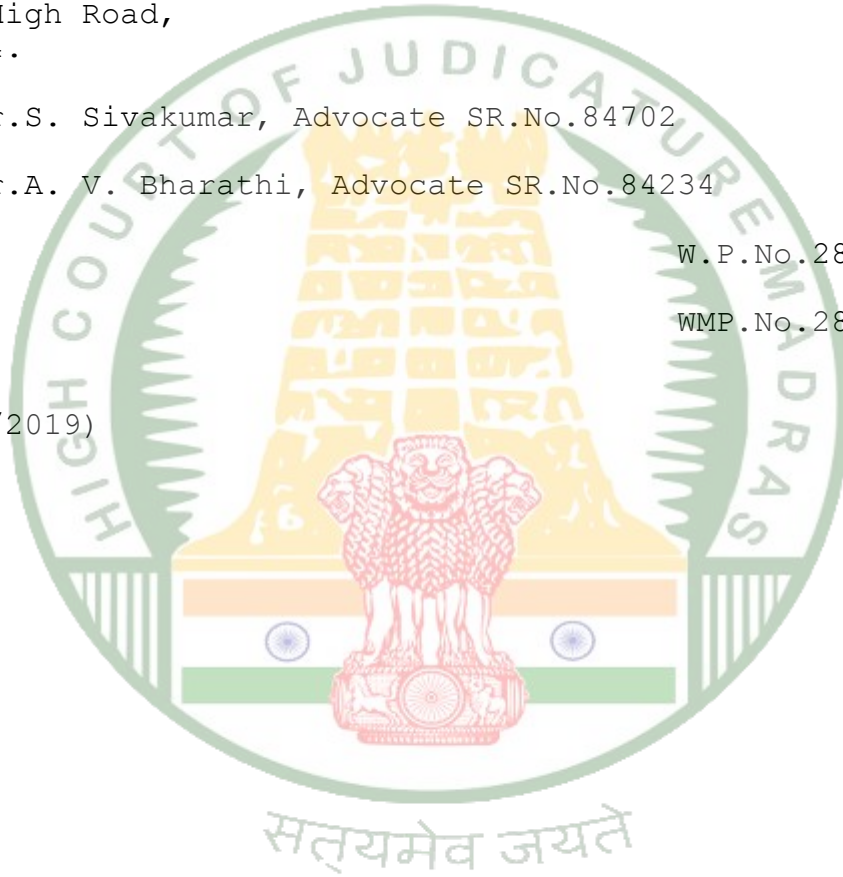
6. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road,
Chennai- 4.

+1cc to Mr.S. Sivakumar, Advocate SR.No.84702

+1cc to Mr.A. V. Bharathi, Advocate SR.No.84234

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and
WMP.No.28181 of 2019

(CO)
GMY(11/12/2019)



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