

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29233 of 2019
and W.M.P.No.29033 of 2019

Dr.U.Rathinakumari

..Petitioner

vs

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

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

3.The Director of Public Health
and Preventive Medicine
DMS Campus, Chennai-600 006.

4.The Director of Medical and
Rural Health Service
DMS compound, Anna salai
Teynampet, Chennai-600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to pass orders for regularisation of service of the petitioner based on 2013 Regular Medical Services Recruitment Board (MRB) selection as per the orders of first respondent in Letter No.1122/B1/2019, dated 04.07.2019 with assigning of Civil Medical List (CML) number within a time frame to be fixed by this Court and consequently, allow the petitioner to participate in the speciality transfer counselling based on 2013 regular MRB selection seniority for the post of Assistant Professor in Physiology.

For Petitioner : Mr.G.Sankaran

For R1, R3 & R4 : Mr.R.S.Selvam
Government Advocate

For R2 : Mr.V.Kadhirvelu
Special Government Pleader

ORDER

Writ Petition is filed for issuance of a Writ of Mandamus directing the 3rd respondent to pass orders for regularisation of service of the petitioner based on 2013 Regular Medical Services Recruitment Board (MRB) selection as per the orders of first respondent in Letter No.1122/B1/2019, dated 04.07.2019 with assigning of Civil Medical List (CML) number within a time frame to be fixed by this Court and consequently, allow the petitioner to participate in the speciality transfer counselling based on 2013 regular MRB selection seniority for the post of Assistant Professor in Physiology.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1, 3 and 4 and the learned Special Government Pleader appearing for the 2nd respondent.

3. The case of the petitioner is that after completion of MBBS degree qualification, she joined PG degree course in M.D. (Physiology) in Madras Medical College in the year 2010 and completed in the year 2013. On completion of PG degree as non-service candidate, based on the bond, the petitioner was appointed as Tutor/AP in Physiology in Tiruvarur Medical College on 01.05.2013. Thereafter, the petitioner had written regular Medical Services Recruitment Board (MRB) competitive examination conducted on 09.05.2013 for the speciality post. The results were published by which the petitioner was selected to the post of Assistant Professor in Physiology. In spite of repeated representations, necessary regular posting order was not issued and CML number was not assigned based on regular MRB in favour of the petitioner. However, other similarly placed persons are already in service as 10(a)(i). Therefore, the petitioner has sent a representation on 07.09.2017. The 1st respondent has issued a letter dated 04.07.2019 directing the 3rd respondent to regularise the services of non-service post graduates, who cleared competitive examination conducted by MRB in the year 2013. The said letter was not complied and the petitioner's representation was also not considered by the respondents. Hence, this writ petition.

4. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the 3rd respondent to comply with the letter dated 04.07.2019 issued by the 1st respondent by considering the representation of the petitioner.

5. Learned Special Government Pleader as well as the learned Government Advocate appearing for the respondents submitted that the petitioner's representation will be considered and appropriate orders will be passed on merits and in accordance with law and the letter of the 1st respondent will be considered, if otherwise applicable.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the 3rd respondent to consider the petitioner's representation dated 07.09.2017 along with the letter issued by the 1st respondent dated 04.07.2019 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

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

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and Preventive Medicine
DMS Campus, Chennai-600 006.

4. The Director of Medical and
Rural Health Service
DMS compound, Anna salai
Teynampet, Chennai-600 006.

+1 cc to M/s.G.Sankaran, Advocate Sr.No. 87063

+1 cc to The Government Pleader Sr.No.87717

AKM/04.12.19/3P-7C /

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