



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP (MD) No.3164 of 2019

Dr.R. Chitra Devi

... Petitioner

Vs.

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

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

3.The Dean,
Government Theni Medical College and Hospital,
Theni, Theni District.

... Respondents

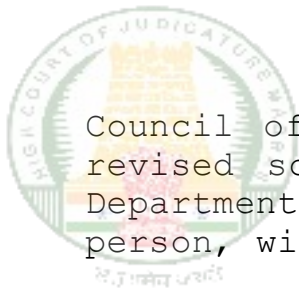
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to include the petitioner's name in the 1991-92 Seniority Panel in the the cadre of Assistant Surgeon and promote her to the post of Associate Professor based on the eligibility criteria contemplated in the notification dated 15.12.2009 in Clause 6 of the Minimum Qualification for Teachers in Medical Institutions Regulations, 1998 of Medical Council of India and thereby, direct the respondents to pay revised scale of pay as per G.O(MS).No.303, Finance (Pay Cell) Department, dated 02.08.018 submitted to the respondents in person within the time limit that may be stipulated by this Court.

For Petitioner : Mr. G. Thalaimutharasu

For Respondents : Mr. Aayiram K. Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuing a direction to the second respondent to include the petitioner's name in the 1991-92 Seniority Panel in the the cadre of Assistant Surgeon and promote her to the post of Associate Professor, based on the eligibility criteria contemplated in the notification, dated 15.12.2009, in Clause 6 of the Minimum Qualification for Teachers in Medical Institutions Regulations, 1998 of Medical



Council of India and thereby, direct the respondents to pay the revised scale of pay as per G.O(MS).No.303, Finance (Pay Cell) Department, dated 02.08.018, submitted to the respondents in person, within the time frame to be fixed by this Court.

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2. According to the petitioner, she has completed 4 years 4 months and 14 days of teaching experience as Assistant Professor as on 15.03.2018, which is taken as the the cut-off date fixing up of the eligibility for Associate Professor Promotion. As per the amended notification, the petitioner has possessed necessary qualification for the promotion to the post of Associate Professor. The petitioner was due to retire in the month of June 2019. She made a representation dated 02.08.2018, to the 3rd respondent and the same is pending. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

3. Though this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the respondents, to consider the representation of the petitioner, dated 02.08.2018.

4. The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner will be considered on merits within a specified time that may be fixed by this Court.

5. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 2nd respondent to consider the representation of the petitioner, dated 02.08.2018 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, after affording due opportunity of hearing to the petitioner. Needless to say that the petitioner shall forward a copy of the representation along with a copy of this order to the second respondent, to enable him to comply with directions passed by this Court.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //



To

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

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

3.The Dean,
Government Theni Medical College and Hospital,
Theni, Theni District.

+1 CC to M/s.SPL GP (SR-71786[F] dated 27/06/2019)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-71665[F] dated 27/06/2019)

TS(16.07.2019) 3P 6C

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