



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P(MD) .No. 5205 of 2018
and W.M.P.(MD) No. 5193 of 2018

Dr. P. Manigandan : Petitioner

Vs.

1. The Government of Tamilnadu,
represented by its Secretary,
Health and Family Welfare Department,
Chennai.
2. The Director of Public Health & Preventive Medicine,
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai - 6.
3. The Deputy Director of Health Services,
O/o.DDHS Office,
Government Campus, Block - 1,
Theni.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the third respondent to issue the order for nominating/appointing the petitioner as a Block Medical Officer in Government Primary Health Centre at Odaipatti Block in Uthamapalayam Taluk, in Theni District.

For Petitioner
For Respondents

: Mr.R. Suriya Narayanan
: Mr.Aayiram K. Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the third respondent to issue an order for nominating/appointing the petitioner as a Block Medical Officer in Government Primary Health Centre at Odaipatti Block in Uthamapalayam Taluk, in Theni District.

2. The grievance of the petitioner is that, originally, he was appointed as Assistant Surgeon in Primary Health Centre at Kuppanasaripatti under the respondent/Department on 01.11.2006 and subsequently, he was promoted as Senior Assistant Surgeon and now he is working as a Medical Officer in Government Primary Health Centre at Kuppanasaripatti in Theni District.



3. The further grievance of the petitioner is that the respondent/Department pursuant to the Government Order in G.O.(2D) No.26, dated 06.02.2018, the third respondent has prepared a list of Senior most Medical officers in Theni District for nominating as Block Medical Officers in Primary Health Centre.

4. According to the petitioner, he is a Senior most Surgeon in Odaipatti Taluk. Based on a communication, dated 23.02.2018 in Na.Ka.No.949/A6/2018, he has submitted his willingness on 28.02.2018 to nominate him as Medical officer. Based on the seniority list, out of Eight Blocks, Six Blocks have been filled up by the Senior Surgeons as Block Medical officer, but his name has not considered for promotion and no communication was received from the Department. Therefore, the instant writ petition is filed before this Court.

5. It is stated in the counter affidavit filed by the third respondent that one Amutha, Staff Nurse made a complaint against the petitioner, based on the aforesaid complaint, an enquiry is pending against the petitioner. Hence, his name was not considered for promotion by the respondent/Department.

6. The learned counsel appearing for the petitioner drew attention of this Court that the complaint against the petitioner was enquired by the Department and the same has been closed. As of now, there is no legal impediment to consider the petitioner for promotion to the post of Block Medical Officer.

7. By considering the aforesaid statement made by the learned counsel appearing for the petitioner, at present the complaint made against the petitioner by one Amutha has closed by the Department. Therefore, this Court directs the petitioner to make a fresh representation to the third respondent, within One week from the date of receipt of copy of the order and on receipt of such representation, the third respondent shall consider and pass orders on merits and in accordance with law, within a period of Two weeks, thereafter.

8. With the above directions, the instant writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



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To

1. The Secretary,
Government of Tamilnadu,
Health and Family Welfare Department,
Chennai.
2. The Director of Public Health & Preventive Medicine,
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai - 6.
3. The Deputy Director of Health Services,
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Government Campus, Block - 1,
Theni.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-80765[F] dated
08/08/2019)

+1 CC to M/s.SPL GP (SR-81241[F] dated 09/08/2019)

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