



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) No.21513 of 2019

and

W.M.P.(MD).Nos.18174 and 18175 of 2019

V.Muniyaraj

... Petitioner

vs.

1.The Director,
Directorate of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai-10.

2.The Dean
Madurai Medical College
Madurai-20.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to give Promotion to the petitioner for the post of Lab Supervisor with effect from 18.07.2014 on his junior Shofiya promoted with pay all monetary and service benefits.

For Petitioner	:	Mr.D.Selvanayagam
For Respondents	:	Mr.Aayiram K.Selvakumar Addl.Govt. Pleader

ORDER

Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice for the respondents. By consent, this writ petition is taken up for final disposal at the time of admission itself.

2.This writ petition has been filed seeking a direction to the 2nd respondent to give promotion to the petitioner for the post of Lab Supervisor with effect from 18.07.2014 on par with his junior Sofiya and pay all monetary and service benefits.

3.The case of the petitioner is that he was appointed as a



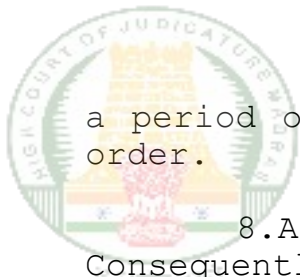
Lab Technician Grade II under the physically challenged person quota, by order dated 17.10.2008. His next promotional post is Lab Supervisor. On 31.05.2012, the second respondent invited applications for filling up the post of Lab Supervisor. Though the petitioner has studied B.Sc (Applied Chemistry), which is equivalent to B.Sc (Chemistry), his name was not considered for the said post. Hence, he filed a writ petition viz., W.P.(MD).No.7519 of 2014, which was disposed of by this Court on 29.04.2014, directing the second respondent to consider the claim of the petitioner through his representation, dated 21.03.2014 and pass appropriate orders within a period of four weeks. Even thereafter, the second respondent has not considered his candidature for the said post, which compelled the petitioner to file another writ petition viz., W.P.(MD).No.8640 of 2017 and the same is pending.

4.It is the further case of the petitioner that while so, the Government issued G.O.Ms.No.65, dated 24.04.2019, declaring that the degree of B.Sc (Applied Chemistry) is equivalent to B.Sc (Chemistry). Based on the same, the petitioner made a representation to the second respondent, dated 27.05.2019, which is pending. In the mean while, one S.Sofiya, who is a junior to the petitioner, was promoted as Lab Supervisor. Thereafter, the second respondent published a seniority list for the post of Lab Supervisor for the year 2018-19 on 01.10.2019, calling for objections. Now, the grievance of the petitioner is that even though there are 3 vacancies, the second respondent is going to fill up only one post of Lab Supervisor. Resisting the same, he submitted an objection to the respondents on 05.10.2019 and the same is pending. Hence, the petitioner has filed this writ petition for the aforesaid relief.

5.Heard the learned counsel for the petitioner and the learned Additional Government Pleader taking notice for the respondents, who fairly submitted that the objection raised by the petitioner, would be considered by the respondent authorities, on merits.

6.Having regard to the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is of the view that the respondent authorities failed to deal with the representation of the petitioner one way or other, which compelled the petitioner to approach this Court time and again, despite the fact that such direction was given in the earlier writ petition in WP.(MD)No.7519 of 2014 on 29.04.2014 itself. Such sort of approach on the part of the respondent authorities, cannot be countenanced.

7.In such circumstances, this Court directs the second respondent to consider the objection submitted by the petitioner on 05.10.2019 relating to promotion to the post of Lab Supervisor and pass appropriate orders, on merits and as per law, after providing an opportunity of personal hearing to the petitioner as well as all



a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands disposed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

vs/rsb

To

1. The Director,
Directorate of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai-10.

2. The Dean
Madurai Medical College
Madurai-20.

+1 CC to M/s.SPL GP (SR-91706[F] dated 11/10/2019)

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-91714[F] dated 11/10/2019)

W.P(MD) No.21513 of 2019
10.10.2019

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