

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.2228 OF 2020

AND

WMP NOS.2609 & 2610 OF 2020

Dr.Pillai Karthik Piramanayagam

... Petitioner

.Vs.

1. The Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.
2. The Director,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Dean,
Tirunelveli Medical College,
Tirunelveli - 627 011

.... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records of the second respondent bearing Ref.No.4053/E3/4/2019 dated 04.11.2019 and quash the same and consequently, direct the Respondents to restore the petitioner's position as an Assistant Professor in the Department of Physiology in the Tirunelveli Medical College in accordance with the MCI Norms.

For Petitioner : Mr.T.Gowthaman

For Respondents: Mr.V.Prabhu
Government Advocate for R1
Mr.Karthikei Balan
Government Advocate for R2 and R3.

ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the proceedings of the 2nd respondent dated 04.11.2019 and for a consequential direction to direct the respondents to consider the representation made by the petitioner and restore the petitioner as an Assistant Professor in the Department of Physiology.

3. The case of the petitioner is that he was recruited through the Medical Services Recruitment Board and was appointed as a Assistant Professor in the Department of Physiology at Thirunelveli Government Medical College Hospital in the year 2015. The petitioner completed his probation in the year 2017. While so, a circular was issued by the 2nd respondent on 04.11.2019, wherein, the 2nd respondent had directed for fitment transfer and posting order of the teaching staff, in line with G.O.Ms.No.(4D) No.2, Health and Family Welfare (A1) Department, dated 15.02.2019.

4. Pursuant to the above circular, the petitioner was also fitted as a Assistant professor in the 3rd respondent college in the Department of Forensic Medicine.

5. The grievance of the petitioner is that the petitioner has a teaching experience as an Assistant Professor in physiology for nearly four years and seven months and he is the senior most person and unless, he completes five years in the same cadre, he will not be eligible for promotion as Associate professor. However, now the petitioner has been posted in the Department of Forensic Medicine. Therefore, the apprehension of the petitioner is that he will lose his seniority and experience and ultimately, may not be considered for promotion to the post of Associate Professor. सत्यमेव जयते

6. The petitioner had made a representation to the 3rd respondent on 16.11.2019 requesting the 3rd respondent to restore the petitioner as an Assistant Professor of the physiology Department and according to the petitioner, this was forwarded by the 3rd respondent to the 2nd respondent. Since no action has been taken, the present writ petition has been filed before this Court.

7. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

8. This Court is not inclined to interfere with the fitment transfer and posting orders, which was directed by the 2nd respondent through his circular dated 04.11.2019. This circular has been acted upon and the entire process has already been completed. The petitioner has raised a grievance and this may require independent consideration by the concerned authorities.

9. This writ petition is disposed of with a direction to the petitioner to make a fresh representation to the 2nd respondent through the 3rd respondent and express his grievance and the 2nd respondent shall consider the same and pass appropriate orders, within a period of four weeks from the date of receipt of copy of representation. If the earlier representation made by the petitioner on 16.11.2019 has already been forwarded to the 2nd respondent, the same shall also be taken into account by the 2nd respondent.

10. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.
2. The Director,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Dean,
Tirunelveli Medical College,
Tirunelveli - 627 011

+lcc to Mr.T.Gowthaman, Advocate, S.R.No.8121
+lcc to Government Pleader, in S.R.No.7849

W.P.No.2228 of 2020

NRJK (CO)
CS/12/03/2020