

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.9752 of 2020

Dr.G.Vimalan

... Petitioner

vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to re-post / refit the petitioner as Senior Resident cum Assistant Professor, Orthopaedics at Government Medical College, Dharmapuri from the post of Assistant Professor, Radiology at Government Medical College, Dharmapuri by considering the representation of the petitioner dated 26.11.2019 preferred to the 2nd respondent, which was forwarded through proper channel in the light of the order passed in W.P.No.16777 of 2019 dated 14.08.2019.

For Petitioner : Mr.S.N.Ravichandran

For Respondents: Mr.S.Karthikei Balan,
Govt. Advocate

O R D E R

This Writ Petition has been filed for a direction to the 2nd respondent to re-post / refit the petitioner as Senior Resident cum Assistant Professor, Orthopaedics at Government Medical College, Dharmapuri from the post of Assistant Professor, Radiology at Government Medical College, Dharmapuri by considering the representation of the petitioner dated 26.11.2019 preferred to the 2nd respondent, which was forwarded through proper channel in the light of the order passed in W.P.No.16777 of 2019 dated 14.08.2019.

2. Mr.S.Karthikei Balan, learned Government Advocate takes notice for the respondents. By consent of both parties, this writ petition is disposed of at the admission stage itself.

3. The case of the petitioner is that he was working as Assistant Professor, Ortho at the Government Medical College, Dharmapuri and all of a sudden, the 2nd respondent, by an order dated 14.12.2019, refitted the petitioner from the post of Assistant Professor, Ortho to Assistant Professor Radiology without adhering to 1:1 ratio in fitment of Diploma and MS Degree Holders. It is the further case of the petitioner that though the petitioner has joined in the post of Assistant Professor, Radiology under protest, he has submitted a representation dated 26.11.2019 to the 2nd respondent for posting him as Assistant Professor, Ortho. It is also the case of the petitioner that despite his earlier application dated 11.11.2019 being forwarded by the Dean, Government Dharmapuri Medical College, Dharmapuri on 22.11.2019 for consideration, no decision has been taken so far on his representation with regard to refitment of the post. Therefore, the petitioner is before this Court for a suitable direction.

4. At this juncture, the learned Government Advocate appearing for the respondents would fairly submit that if a reasonable time is granted to the 2nd respondent, the representation of the petitioner will be considered and appropriate orders be passed.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the 2nd respondent to consider the representation of the petitioner dated 26.11.2019, whose Individual Application dated 11.11.2019 had already been forwarded by the Dean, Government Dharmapuri Medical College, Dharmapuri, even prior to the date of petitioner's representation on 22.11.2019 and pass necessary orders thereon in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

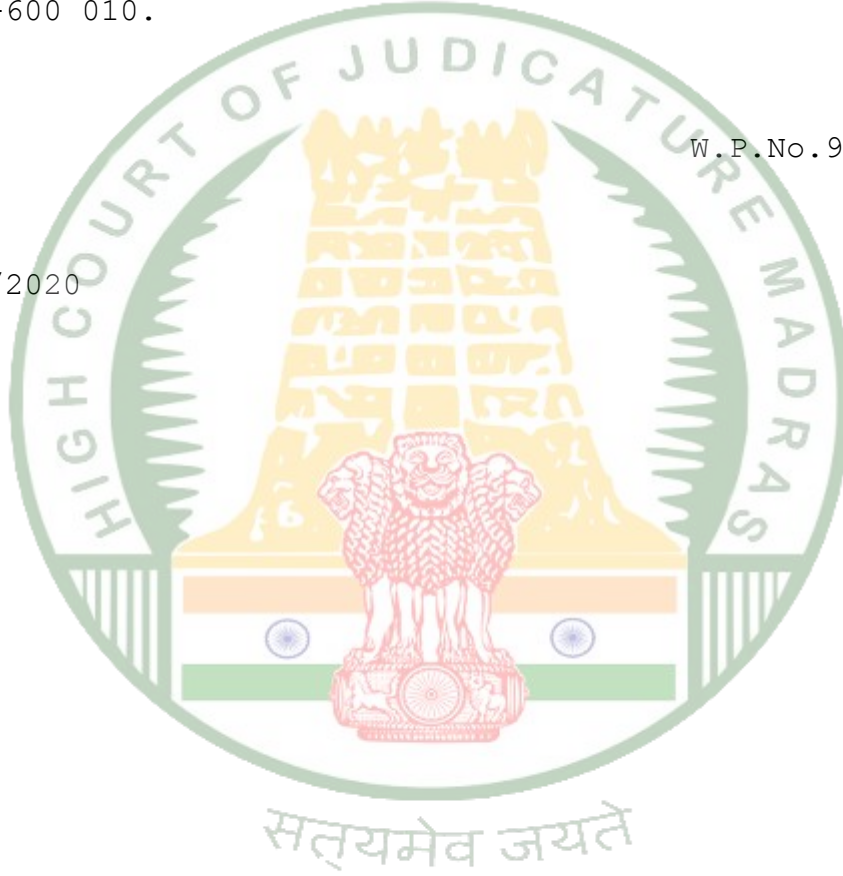
To:

1.The Principal Secretary to Government,
State 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.

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srg 16/10/2020



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