

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.33549 of 2019

Dr.N.Rajasekar

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.

3. Dr.Loretta Raj

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Ref.No.4053/E3/4/2019 dated 04.11.2019 and to quash the same in so far as the petitioner and the 3rd respondent is concerned and consequently directing the respondents 1 and 2 to pass fitment transfer and posting order for the petitioner in the post of Senior Resident in Anaesthesiology in Kanyakumari Medical College.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.Narmadha Sampath
Additional Advocate General
assisted by

Mr.V.Kadhirvel
Special Government Pleader

ORDER

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 1st and 2nd respondents to post the petitioner as a Senior Resident in Anaesthesiology in Kanyakumari Medical College.

2. When the present writ petition was filed before this Court, the petitioner who is a P.G. Diploma holder had questioned the posting of the 3rd respondent as a Senior Resident in Anaesthesia on the ground that the 3rd respondent is junior to the petitioner and the petitioner ought to have been accommodated in the quota for diploma holders. In order to substantiate his submission, the petitioner had placed reliance on the recommendations that were made by the Committee appointed by this Court, wherein, it was specifically stated that while considering the promotion and posting of Senior Resident, the same can be allotted in the ratio of 50:50. While explaining this ratio, the Committee itself has stated that it is between the P.G. Degree qualified and the P.G. Diploma qualified candidates. The grievance of the petitioner is that he should have been posted as a Senior Resident of Anaesthesiology at Kanyakumari Medical College and Hospital.

3. Mr. G. Sankaran, the learned counsel appearing on behalf of the petitioner submitted that, even though the petitioner has a strong case on merits, he wants to confine his submissions only to the effect that, in the latest Counselling that took place on 13.12.2019, one Dr. Selvi Annie Geetha, MD was promoted from the post of Assistant Professor to the post of Associate Professor. Therefore, there will be a vacancy in the post of Assistant Professor and consequently there will be resultant vacancy in the post of Senior Resident. The learned counsel wants the petitioner to be considered for the said promotion to the post of Assistant Professor in the place of Dr. Selvi Annie Geetha, MD.

4. The learned Special Government Pleader appearing on behalf of the respondents submitted that the promotion and transfer counselling is strictly in accordance with the recommendations made by the Committee. The learned counsel submitted that there are absolutely no grounds to interfere with the order passed by the 2nd respondent dated 04.11.2019. The learned counsel submitted that the counselling did take place on 13.12.2019 and Dr. Selvi Annie Geetha, MD was promoted to the post of Associate Professor and as a result of the same, there is a vacancy in the post of Assistant Professor. The learned counsel submitted that if the petitioner is qualified to be considered for the said promotion, he will be considered to be promoted to the post.

5. In view of this subsequent development, this Court does not want to go into the merits of the case as submitted by the learned counsel appearing on either side.

6.This writ petition is disposed of with a direction to the 2nd respondent to consider the promotion and posting of the petitioner as an Assistant Professor in the resultant vacancy that arose due to the promotion of Dr.Selvi Annie Geetha, MD in the counseling that was held on 13.12.2019. This process shall be completed within a period of four weeks from the date of receipt of copy of this Order. No Costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The 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.

+lcc to Mr.G.Sankaran, Advocate Sr.No.2589

AKM/03.03.2020 /3P-4C/

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