



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4398 of 2020

WEB COPY

M.Karthikeyan

... Petitioner

vs.

1.The Secretary to Government
Health and Family Welfare (AA1) Department
Secretariat, Fort.St.George
Chennai 600 009

2.The Director of Medical Education
Kilpauk
Chennai 600 009

3.The Dean
Thanjavur Medical College
Thanjavur 613 004

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first respondent ie. Secretary to Government, Health and Family Welfare (AA1) Department, Chennai to pass appropriate orders on the petitioner's representation dated 11.04.2019 regarding re-fixation of seniority and ordering notional promotion as Associate Professor on par with the department promotes or directly recruited candidates, within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

This Writ petition has been filed for a direction to the first respondent ie. Secretary to Government, Health and Family Welfare (AA1) Department, Chennai to pass appropriate orders on the petitioner's representation, dated 11.04.2019 regarding re-fixation of seniority and ordering notional promotion as Associate Professor on par with the department promotes or directly recruited candidates, within a specified time to be fixed by this Court.

2.Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3.The case of the petitioner is that he is serving as Lecture in Pharmacy in the Department of Pharmacy, Thanjavur Medical College, Thanjavur and seeking promotion to the post of Associate Professor. Therefore, he made a representation, dated 11.04.2019 to the respondents to that effect. The learned counsel for the petitioner would submit that earlier one person, namely, Vinayagamurthi, who was working as a Assistant Professor filed a Writ petition in W.P(MD).No.8260 of 2019 to consider his representation with regard to re-fixation of seniority and for ordering notional promotion as Associate Professor on par with the departmental promotes or directly recruited candidates and this Court, by an order dated 05.04.2019, directed the first respondent therein to dispose his representation on merits. On the basis of the same, the first respondent rejected the claim of the said Vinayagamurthi. The said rejection was challenged in W.P(MD). No.25626 of 2019 and this Court, by an order dated 23.01.2020 set aside the order of the first respondent therein and directed the first respondent to re-fix the seniority on par with the directly recruited candidates, who had been directly recruited on 29.08.2007 and thereby, ordered notional promotion to him as Associate Professor. The learned counsel for the petitioner would further submit that the petitioner herein also stands in the same footing as that of the petitioner in the above Writ Petition and therefore, he prays before this Court to pass orders in the light of the order passed in W.P(MD).No.25626 of 2019, dated 23.01.2020.

4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

5.Considering the limited scope of prayer sought for in the Writ petition and without advertting to the merits of the case, the respondents are directed to dispose the representation of the petitioner, dated 11.04.2019 on merits and in the light of the order passed in W.P(MD).No.25626 of 2019, dated 23.01.2020, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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+1 CC to Mr.K.GOKUL, Advocate (SR-9560[F] dated 02/03/2020)
+1 CC to SPL GP (SR-9774[F] dated 03/03/2020)

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