



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.10163 of 2020

and

W.M.P.(MD) Nos.9046 and 9047 of 2020

(Through Video conferencing)

Dr.P.Sudha, M.D.

...Petitioner

-Vs-

1.The Principal Secretary,
Department of Health & Family Welfare,
Government of Tamil Nadu, 4th Floor,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Director of Medical Education,
No.156, Poonamallee High Road,
New Bupathy Nagar,
Chetpat, Chennai - 600 031.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records in connection with the order passed by the 2nd respondent in Ref.No.5189/E1/4/2020 dated 20.03.2020 and quash the same as illegal, incompetent, without jurisdiction and further direct the respondents to promote the petitioner in the post of Professor of Pharmacology with effect from the date of promotion given to her batchmates and juniors with all monetary and service benefits within a time stipulated by this Court.

For Petitioner : Mr.R.Singaravelan, Senior counsel
for Mr.D.Selvanayagam
For Respondents : Mrs.J.Padmavathi Devi, Spl. G.P.

ORDER

The Prayer sought for in this writ petition is for a writ of Certiorarified Mandamus, to call for the records in connection with the order passed by the 2nd respondent in Ref.No.5189/E1/4/2020 dated 20.03.2020 and quash the same and further direct the respondents to promote the petitioner in the post of Professor of Pharmacology with effect from the date of promotion given to her batchmates and juniors with all monetary and service benefits.

2.The following facts are required to be noticed for the disposal of this writ petition:

(i) The petitioner was selected and appointed to the post of Assistant Professor/Tutor in the Department of Pharmacology and she



joined service at Thoothukudi Government Medical College on 16.02.2004. Such selection was made only through Tamil Nadu Public Service Commission after conducting competitive examination and she was appointed by direct recruitment. Thereafter, the petitioner was promoted to the post of Associate Professor with effect from 31.10.2009. Thereafter, no promotion was given to the petitioner, as a result of which, 11 years and more, the petitioner had been continuing in the said post of Associate Professor at K.A.P.V.Government Medical College, Thiruchirappalli.

(ii) In this context, it is the case of the petitioner that, though the petitioner is fully eligible to hold the post of Professor even in the year 2013 itself and such a re-designation as Professor also has been given with effect from the year 2013, the petitioner has not been given any promotion as Professor so far, though, several batchmates of the petitioner, who are juniors comparing with the Civil Medical List being maintained by the respondents, have been given to the post of Professor, however, the petitioner's case has not been considered.

(iii) In this regard, though the petitioner has given several representations to the respondents on various dates such as 25.03.2013, 27.11.2014, 11.05.2016 and 11.09.2017, the respondents have not considered the case of the petitioner for giving such promotion on regular basis to the post of Professor. Only in that context, the petitioner has filed writ petition in W.P.(MD) No.3080 of 2020, seeking direction to the 2nd respondent to implement the order of the Director of Medical Education dated 10.04.2015 in reference No.14142/E1/1/14, as per G.O.Ms.No.354 dated 23.10.2009 and to pay all other monetary benefits to the petitioner with effect from 16.02.2013 to till date. The said writ petition, having been heard, was disposed of by this Court on 20.02.2020, where, this Court passed the following order:

"5. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 22.01.2020, on its own merits and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the second respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."

(iv) In response to the said order passed by this Court, now, the 2nd respondent, Director of Medical Education has passed the



impugned order dated 20.03.2020, rejecting the request of the petitioner by citing the following reasons:

"3) In this connection, I am to state that as per G.O.(Ms).No.354, Health and Family Welfare (B2) Department, dated 23.10.2009 in clause (xiv) under the Heading II Director of Medical Education side says as follows:-

(xiv) As a onetime measure to be followed at the time of refitment after creation of the posts, to address the problems of stagnation at Assistant Professor level for large number of doctors at present, all those who have done 20 years of total service from the time of entering into the TN Medical Service shall be promoted as Professors. provided they are eligible as per Medical Council of India norms.

4) In view of the above, it is informed that though Dr.R.Sudha, Associate Professor, Department of Pharmacology, K.A.P.Viswanatham Government Medical College, Trichirapalli has only completed the required period of teaching experience as per the Medical Council of India norms for promotion to the post of Professor. But not completed 20 years of total service from the time of entering into the TN Medical Service as on 15.03.2013 as per clause (xiv) of G.O.(Ms).No.354, Health and Family Welfare (B2) Department, dated 23.10.2009. Hence, her request dated 22.01.2020 to redesignate him as Professor of Pharmacology with effect from 16.02.2013 as per the Medical Council of India norms could not be considered.

For Director of Medical Education (FAC)"

Challenging the same, the present writ petition has been filed.

3. Heard the learned Senior counsel appearing for the petitioner, who has taken extensively to various proceedings, Government Orders, correspondences. The learned Senior counsel has first relied upon G.O.Ms.No.354, Health and Family Welfare (B2) Department, dated 23.10.2009, wherein, on the side of the Director of Medical Education, certain directives were issued, out of which, the learned senior counsel relied upon clause xiv, which reads thus:

"As a onetime measure to be followed at the time of refitment after creation of the posts, to address the problem of stagnation at Assistant Professor level for large number of doctors at present, all those who have done 20 years of total service shall be promoted as



Professors, provided they are eligible as per Medical Council of India norms."

4.He further submits that, pursuant to the said Government Order, the petitioner has made request on 25.03.2013 to re-designate her as Professor, since the petitioner has completed four successful years in the cadre of Associate Professor. He would also submit that, the said request of the petitioner was forwarded by the Dean of K.A.P.Viswanatham Government Medical College, Thiruchirappalli, where the petitioner has been working, to the 2nd respondent, Director of Medical Education on 03.12.2014. Pursuant to which, on 10.04.2015, the Director of Medical Education, the 2nd respondent issued proceedings in reference No.14142/E1/1/14, where the 2nd respondent redesignated the petitioner as Professor of Pharmacology. In order to appreciate the said order, the content of the order is hereby extracted:

"Ref.No.14142/E1/1/14

Dated:10.04.15

Sub: TamilNadu Medical Service - Dr.R.Sudha, MD., Associate Professor of Pharmacology, K.A.P.Viswanatham Government Medical College, Trichy - redesignated as Professor of Pharmacology, K.A.P.Viswanatham Government Medical College, Trichy - Orders issued - regarding.

Ref: G.O.Ms.No.354/Fin(PC)Dept. Dt:23.04.19

ORDER:

Under the powers delegated in the G.O.above cited, Dr.R.Sudha, MD., Associate Professor of Pharmacology, K.A.P.Viswanatham Government Medical College, Trichy, has been redesignated as Professor of Pharmacology, K.A.P.Viswanatham Government Medical College, Trichy with effect from 16.02.2013 F.N.

*Sd/-S.Geethalakshmi
Director of Medical Education"*

5.The learned Senior counsel would further submit that, therefore, by order dated 10.04.2015, the petitioner has already been re-designated as Professor with effect from 16.02.2013. Only in that context, in order to implement clause xiv of G.O.Ms.No.354 referred to above, the Government issued Government Order in G.O.Ms.No.66, Health and Family Welfare (A1) Department dated 19.02.2016, where, among other things, the 2nd respondent, Director of Medical Education has made two requests to the Government, which were accepted by the Government and in order to appreciate the same, the contents of the notification of G.O.Ms.No.66 are extracted herein:

<https://hds.ces.courts.mt/cases>



"Further, the Director of Medical Education has requested the Government to issue suitable orders on the following points:

i. To permit the Director of Medical Education to issue the redesignation orders immediately to all the 157 Associate Professors with Pay Band - IV as Professors as it does not require any financial implication.

ii. To permit the Director of Medical Education to promote the balance 110 Associate Professors in the scale of Pay Band III as Professors in the scale of Pay Band IV after obtaining necessary orders from the Government.

7. The Government have examined the request of the Director of Medical Education, based on the announcement of the Hon'ble Chief Minister and decided to permit the Director of Medical Education to issue the redesignation orders immediately to the 157 Associate Professors out of 267 posts of Professors, as it does not require any financial implications. Accordingly, the Government do and hereby direct that the Director of Medical Education be permitted to issue the redesignation orders immediately to the 157 Associate Professors out of 267 posts of Professors available in various specialities, who were already completed 20 years of service in Tamil Nadu Medical Service with Pay Band IV.

8. The Director of Medical Education is also instructed to send necessary proposal for the remaining 110 Medical Officers, who have not completed 20 years service, but they have completed the required teaching experience prescribed by the Medical Council of India to redesignate them as Professors in their specialities.

(BY ORDER OF THE GOVERNOR)

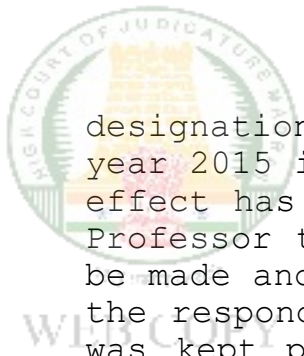
J.RADHAKRISHNAN,

PRINCIPAL SECRETARY TO GOVERNMENT"

(Emphasis supplied)

6.The learned Senior counsel would also submit that, pursuant to para 8 of G.O.Ms.No.66, where, a directive was issued by the Government to the Director of Medical Education to forward the eligible 110 candidates, who are already in the Pay Band III for the purpose of redesignating them as Professors by way of promotion, the Director of Medical Education also sent a list of eligible candidates, where, the petitioner's name also found place.

7.With this factual background, according to the learned Senior counsel, since the petitioner has become qualified fully and eligible to claim the re-designation and promotion as Professor of Pharmacology and it has already been considered and such a re-



designation though was given by the 2nd respondent as early as in the year 2015 itself with effect from 16.02.2013, a formal order to that effect has to be passed and accordingly, the necessary promotion as Professor to the petitioner, bringing her under Pay Band IV, has to be made and only in that context, the petitioner had made request to the respondents and since the respondents had not considered and it was kept pending, the petitioner approached this Court and got an order on 20.02.2020 as extracted above and pursuant to which, the present impugned order has been passed stating that, the petitioner has not completed 20 years of total service from the time of entering into TN Medical Service and therefore, as per G.O.Ms.No.354, the petitioner's request cannot be accepted and accordingly, her request to redesignate her as Professor of Pharmacology with effect from 16.02.2013 as per the Medical Council of India norms could not be considered, which is, according to the learned Senior Counsel, is absolutely an unsustainable reason, as it does not have any supporting materials either by way of Government Order or under Rule and in fact, the plea of the petitioner, of course is supported by the relevant Government Order as has been referred to above and having considered the experience of four years as Associate Professor, which the petitioner had already put in at the year 2013 itself, the 2nd respondent has already re-designated the petitioner as Professor of Pharmacology with effect from 16.02.2013 and the said order dated 10.04.2015 passed by the 2nd respondent still holds good. Therefore, the said order has to be implemented in letter and spirit and accordingly, the formal designation by way of promotion to the petitioner as Professor of Pharmacology with all service benefits has to be given. Therefore, the learned senior counsel would contend that, the reason cited in the impugned order is wholly unjustifiable and unsustainable. Hence, interference is called for against the impugned order and the prayer sought for in this writ petition may be considered for allowing the writ petition, he contended.

8.Per contra, the learned Special Government Pleader appearing for the respondents has relied upon various averments made in the counter affidavit filed on behalf of the respondents 1 and 2. She would further submit that, in order to implement G.O.Ms.No.354, Health and Family Welfare (B2) Department dated 23.10.2009, subsequently, G.O.Ms.No.245 of the same department dated 30.10.2013 was issued, accordingly, the following norms have been fixed.

"Director of Medical Education Side:-

In Director of Medical Education side, posts sanctioned in G.O.Ms.No.684, Health and Family Welfare Department, dated 18.12.1998 and thereafter from time to time will continue to exist for future promotions as per the norms of Medical Council of India.

The post of Professors will be created in Pay Band-IV (Rs.37400 - 67000/- + Grade Pay Rs.8700) in all departments and colleges as per the norms of Medical



Council of India.

The eligibility for promotion will be as per the norms of Medical Council of India. However, the promotion will be subject to availability of vacancies based on the sanctioned posts. Since some of them might be eligible for promotion as per the norms of Medical Council of India, which may be earlier than the State Government's proposed time bound promotion, their earlier promotion, will be subject to availability of vacancies, fulfilling the qualifications as per the norms of Medical Council of India / rules governing the post and empanelment for such posts. However, it is made very clear that automatic promotions will not be given to Medical Officers, based on the norms of Medical Council of India. For those who have got into Pay Band-IV much earlier than the promotion, their promotion will be protected subject to availability of sanctioned posts."

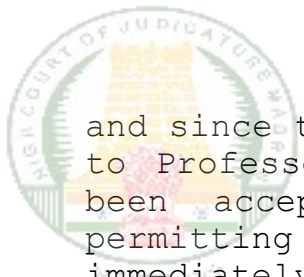
9.The learned Special Government Pleader also relied upon the following norms:

"The CML seniority will be taken into account as and when preparing the panel for the post of Senior Assistant Surgeon / Civil Surgeon / Senior Civil Surgeon / Chief Civil Surgeon in the Director of Medical and Rural Health Services side and Associate Professor / Professor in the Director of Medical Education side."

10.She would also submit that, subsequent to issuance of G.O.Ms.No.66, which has been heavily relied upon by the petitioner's side, the Government issued yet another Government Order in G.O.Ms.No.77 dated 23.02.2016, i.e., four days after issuance of G.O.Ms.No.66. Relying upon G.O.Ms.No.77 dated 23.02.2016, the learned Special Government Pleader would contend that, in order to get promotion as Professor, an Associate Professor in the subject concerned must have the teaching experience of three years in the recognized Medical Colleges and he/she must have minimum of four research publication in indexed/national journals.

11.Since this prescription has been added in the special rules for Tamil Nadu Medical Services, as a qualification prescribed for appointment to the post of Professor and Associate Professor as an additional qualification in tune with the prescription made by the Medical Council of India, unless and until an Associate Professor satisfies the said condition or qualification, he/she shall not be considered for promotion to the post of Professor.

12.Insofar as the import of G.O.Ms.No.66 is concerned, the learned Special Government Pleader submits that, only as an onetime measure, the Government thought it fit to give promotion to 157 Associate Professors, who had completed total 20 years of service

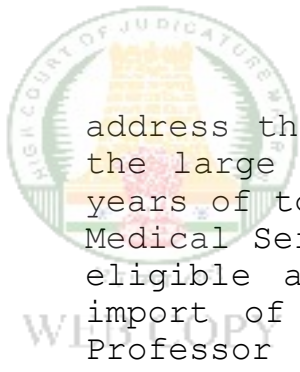


and since they have already been in Pay Band IV, which is equivalent to Professor pay, the request of the Director in this regard had been accepted by the Government and G.O.Ms.No.66 was issued permitting the 2nd respondent, Director of Medical Education to immediately redesignate those 157 Associate Professors as Professors. However, the learned Special Government Pleader would contend that, insofar as the other 110 Associate Professors or Medical Officers are concerned, since they have not admittedly completed 20 years of total service, though they have completed the required teaching experience prescribed by the Medical Council of India, their re-designation also was sought to be implemented by the Government and in this regard, list of people though have been sent by the Director to the Government, such a re-designation has not been given as within four days of issuance of G.O.Ms.No.66 dated 19.02.2016, G.O.Ms.No.77 dated 23.02.2016 had been issued. Therefore, on the basis of G.O.Ms.No.77, except those, who satisfies the conditions i.e., the qualification to the extent of completing three years of experience as Associate Professor as well as the publication of minimum four research publications in indexed/national journals, no one would get promotion to the post of Professor. Therefore, merely based on the onetime measure intended to be taken by the Government by issuance of G.O.Ms.No.66, it cannot be taken as a basis for seeking promotion to the post of Professor for ever. Therefore, on that premises, the plea of the petitioner cannot be accepted. Therefore, the said request of the petitioner has been turned down by the 2nd respondent through the impugned order, of course, rightly, she contended.

13.I have heard the said elaborate submissions made by the learned senior counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

14.Insofar as the qualification, which was required to be considered for an Associate Professor to be designated as a Professor is concerned, one must have the four years experience as Associate Professor and that was the criteria followed all along till G.O.Ms.No.77 was issued, apart from the 20 years of total service prescribed.

15.In this context, first time, the Government came forward to issue G.O.Ms.No.354, dated 23.10.2019. The said G.O itself was issued in order to meet the request of the Tamil Nadu Government Doctors Association, with a Dynamic Assured Career Programme called DACP, due to lack of adequate promotional opportunities and stagnation at various levels in the system. Among various aspects, for the purpose of the issue raised in this present writ petition, as has been rightly pointed out by the learned senior counsel appearing for the petitioner, clause xiv on the side of the Director of Medical Education is relevant, which has already been quoted. Under clause xiv, the Government, as a onetime measure in order to



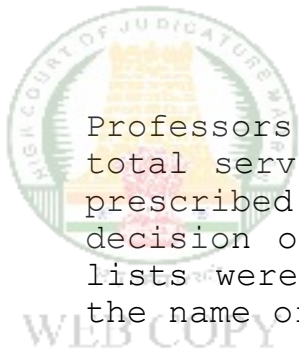
address the problem of stagnation at Assistant Professor level for the large number of Doctors at present and those, who have done 20 years of total service from the time of entering into the Tamil Nadu Medical Services, shall be promoted as Professors, provided they are eligible as per Medical Council of India norms. Therefore, the import of clause xiv of G.O.Ms.No.354 is that, if an Associate Professor who have completed total 20 years of service can be straightaway designated as Professor provided such a candidate must have fulfilled the eligibility criteria as per Medical Council of India norms.

16.In this context, it is further to be noted that, insofar as the petitioner is concerned, the petitioner joined as a Tutor after selection through TNPSC at Thoothukudi Medical College in the Department of Pharmacology on 16.02.2004. Thereafter, the petitioner was promoted as Associate Professor with effect from 31.10.2009. Till such thing, there is no quarrel. From 31.10.2009, admittedly, the petitioner had been working as Associate Professor.

17.In this context, the grievance of the petitioner is that, as per the extant rule which was prevailing, the petitioner would be eligible to be redesignated as Professor on the completion of four years as Associate Professor. However, such re-designation since has already been made and in this context, some of the juniors of the petitioners also have been redesignated as such, the petitioners seems to have given representation to the respondents and in this context, the Dean of the Medical College concerned, who considered the request of the petitioner, has forwarded the same to the 2nd respondent, who in turn, having considered the said request of the petitioner, as the petitioner has been qualified to be re-designated as Professor of Pharmacology, issued order to that effect on 10.04.2015, where the date on which i.e., 16.02.2013 since the petitioner completed four years as Associate Professor, she was redesignated as Professor. The content of the said order also has been extracted hereinabove.

18.In the meanwhile, it seems that, the Government took a policy decision to provide promotion for 267 Associate Professors as Professors and as such, a policy decision of the State Government in fact was publicly announced in the State Assembly by way of Rule 110 statement by the Hon'ble Chief Minister, pursuant to which, the Government had come forward to issue a Government Order in G.O.Ms.No.66 dated 19.02.2016. The import of G.O.Ms.No.66 has already been discussed as both the learned counsel have relied upon G.O.Ms.No.66 and especially, para 8, however, they wanted to give a different interpretation.

19.Among other things, in para 8 of the G.O.Ms.No.66, it has been made very clear that, the Government decided to give re-designation/promotion to 110 Medical Officers or Associate

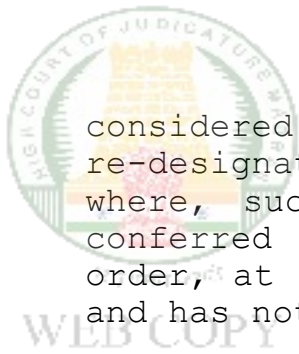


Professors as Professors though they have not completed 20 years of total service, but, have completed the required teaching experience prescribed by the Medical Council of India. Pursuant to the said decision of the Government as reflected in para 8 of G.O.Ms.No.66, lists were prepared and sent to the Government, where, admittedly, the name of the petitioner also found place.

20. Interestingly, within four days of issuance of G.O.Ms.No.66, the Government issued G.O.Ms.No.77 on 23.02.2016, where, some additional qualification has been added for re-designation or promotion to the post of Professor from Associate Professor, of course, based on the Medical Council of India norms. The said rule or amendment has come into effect only from 23.02.2016 by issuance of G.O.Ms.No.77, where, the required qualification or experience is that, he/she must be an Associate Professor in the subject concerned for three years in recognized Medical Colleges and he/she must have minimum of four research publications in indexed/national journals. Only in that context, now, a stand has been taken by the respondents that, the petitioner though is having three years experience as Associate Professor, since she completed three years experience long back in the year 2012 itself and as per the earlier requirement on completion of four years, she was already designated by the 2nd respondent as Professor of Pharmacology, she did not fulfill the second criteria.

21. Insofar as the second criteria of having four research publication in indexed/national journals is concerned, the petitioner has published the same only in the year 2019. Therefore, for the next year promotion i.e., in the year 2020, list of ten persons including the name of the petitioner has already been forwarded and accordingly, counselling for promotion would be conducted soon and based on which, since the petitioner's name found place in Sl.No.3, for getting promotion to the post of Professor to the year 2020, the name of the petitioner would certainly be considered. Taking this stand, now, the respondents would contend that, in view of the amendment made in the special rules for Tamil Nadu Medical Services, by adding some more qualification by issuance of G.O.Ms.No.77 dated 23.02.2016, the petitioner would not be eligible to claim the status of Professorship by way of re-designation or promotion and she would be qualified to hold the post of Professor only in the year 2020 and accordingly, her name has already been under consideration and list has also been prepared.

22. The said stand taken by the Government as has been reflected in the counter affidavit, in the considered opinion of this Court, is palpably wrong. The reason being that, the due for promotion to the petitioner as Professor by way of re-designation came in the year 2013 itself. As per the extant rule available during that relevant point of time, since the petitioner has become qualified to hold the post of Professor, her request, having been rightly



considered by the respondents, especially, the 2nd respondent, such a re-designation has been made through the order dated 10.04.2015, where, such a re-designation as a Professor of Pharmacology was conferred on the petitioner with effect from 16.02.2013. The said order, at the risk of repetition, we would say, is still holds good and has not been modified or cancelled or withdrawn.

23. Further, G.O.Ms.No.354 also is still holds good, where, as per and pursuant to clause xiv referred to above, as an one time measure, in order to clear the stagnation of various Doctors/Medical Officers/Professors in the Medical Education side for promotion, the Government thought it fit to issue G.O.Ms.No.66 dated 19.02.2016, where, not only 157 Associate Professors, who have completed 20 years of total service and had already been in Pay Band IV, but also other 110 Medical Officers, who have not completed, admittedly, 20 years of total service, but have completed the required teaching experience prescribed by the Medical Council of India, were sought to be re-designated as Professors in their specialities. This has been specifically stated at para 8 of G.O.Ms.No.66 as has been quoted above and accordingly, a list has been prepared, where, the name of the petitioner is also found place. Therefore, what was the position in the year 2012 or 2013 or 2016 cannot be ignored by the respondents by merely stating that, in 2016, G.O.Ms.No.77 has been issued on 23.02.2016, therefore, after 23.02.2016 what is the required qualification, that alone would be taken into consideration for the purpose of re-designation as Professor or Promotion as Professor for eligible candidates.

24. Suppose, the stand or argument on the side of the respondents for the sake of argument is accepted, now, the qualification or experience prescribed under G.O.Ms.No.77 to hold the post of Professor is three years experience as Associate Professor, whereas, originally, it was four years, only based on that qualification, the petitioner in the year 2015 was re-designated as Professor, can the petitioner now turn around and say that by virtue of G.O.Ms.No.77, where the experience has been reduced from four years to three years, she should have been given re-designation or promotion in the year 2012 itself instead of 2013? If that kind of plea comes from the petitioner, what shall be the answer of the respondents, definitely, they would say that, it is an absurdity.

25. This Court wants to say the same answer to the stand now taken by the respondents by showing the amended rule, which come into effect admittedly only on 23.02.2016, which cannot be implemented adversely against those people who have already been either considered or promoted or re-designated based on the then extant rule, which were available prior to the issuance of G.O.Ms.No.77. The said issue has not been properly considered by the respondents or the said issue has not been considered by the



respondents in proper perspective, that is the reason why, they have stated the earlier reason in the impugned order that under G.O.Ms.No.354, the petitioner was not qualified or eligible to claim promotion.

26. In view of the aforesaid discussion, this Court feels that, the reason stated in the impugned order for rejecting the claim of the petitioner to redesignate and promote the petitioner as Professor of Pharmacology with effect from 16.02.2013, in my mind, certainly would not be sustainable in the eye of law and therefore, the impugned order is liable to be interfered with.

27. For all these reasons stated above, this Court is inclined to pass the following orders in this writ petition:

(i) The impugned order is liable to be quashed, accordingly, it is quashed.

(ii) As a sequel, direction is hereby issued to the respondents to pass necessary orders taking into account clause xiv of G.O.Ms.No.354, Health and Family Welfare (B2) Department, dated 23.10.2009 and para 8 of G.O.Ms.No.66, Health and Family Welfare (A1) Department, dated 19.02.2016 as well as the order passed by the 2nd respondent dated 10.04.2015 and accordingly pass suitable orders with regard to the grievance of the petitioner for re-designation/promotion as Professor of Pharmacology to the petitioner with effect from 16.12.2013, as from that date, the petitioner had become qualified to hold the post of Associate Professor as per the extant rule, which was prevailing then.

(iii) It is needless to mention that, once such a re-designation is made with effect from 16.12.2013, the petitioner shall be entitled to claim all service benefits, for which, she is eligible to. Needful as indicated above shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order."

28. With these directions, this writ petition is ordered accordingly to the terms indicated above. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
Department of Health & Family Welfare,
Government of Tamil Nadu, 4th Floor,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Director of Medical Education,
No.156, Poonamallee High Road,
New Bupathy Nagar,
Chetpat, Chennai - 600 031.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-17915[F] dated
24/09/2020)

Order made in
W.P. (MD)No.10163 of 2020
23.09.2020

SRK(CO)
KB(29.10.2020) 13P 4C