

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1299 of 2021
and
W.M.P.No.1441 of 2021
(Heard through VC)

1.Dr.Anuradha.M
2.Dr.N.Sridharan
3.Dr.S.Nirmala
4.Maheswari Paulraj ... Petitioners

-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.The Directorate of Public Health and
Preventive Medicine,
64/75, Main Road,
Chokkalingam Nagar, Teynampet,
Chennai - 600 086. .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to promote the petitioners working as Tutor to the post of Non-Medical Assistant Professor, Associate Professor in accordance with their eligibility as per service rules and on par with the Government issued orders for Non-Medical teaching faculty by considering the representations of the petitioners and through their Association dated 09.11.2020, with all consequential and other attendant benefits, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents 1 & 3 : Ms.M.Lalitha
Government Advocate

For Respondent 2

: Mr.S.Karthikeibalan
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to promote the petitioners, who are working as Tutor, to the post of Non-Medical Assistant Professor, Associate Professor in accordance with their eligibility as per service rules and on par with the Government issued orders for Non-Medical teaching faculty by considering the representations of the petitioners and through their Association dated 09.11.2020, with all consequential and other attendant benefits.

2. Ms.M.Lalitha, learned Government Advocate takes notice on behalf of the respondent Nos.1 & 3. Mr.S.Karthikeibalan, learned Government Advocate takes notice on behalf of the respondent No.2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that they are working as Non-Medical Tutor in various Government Medical Colleges under the control of Director of Medical Education. Their services got regularized from the date of their initial appointment. It is stated that as per amended Service Rules, the petitioners are eligible for the post of Non-Medical Assistant Professors on completion of four years teaching experience and further eligible for promotion to the post of Associate Professors in application of Service Rules as applicable to Non-Clinical Teaching faculty. It is further stated that the first three petitioners are qualified with Ph.D. and the fourth petitioner is now undergoing Ph.D. But they are still stagnated in the entry level of Tutor/Non-Medical Tutor for more than 12 years without being considered for promotion. Hence, a representation was given by the petitioners on 09.09.2020 and through their Association on 09.11.2020. Since there was no progress, the present writ petition has been filed.

4. The said contention raised by the learned counsel for the petitioners is refuted by Mr.Karthikeibalan, learned Government Advocate at the admission stage itself, as the petitioners have no qualification in M.D. Anatomy and hence, they will not be entitled to any relief. Since, they filed a representation, the request of the petitioners will be considered in accordance with law.

5. Considering the facts and circumstances of the case, as the petitioners' representation is already pending with the

authority concerned, this Court directs the concerned respondent to consider the representations of the petitioners as well as the one submitted through their Association dated 09.11.2020, if not already considered, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

/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.
- 3.The Directorate of Public Health and
Preventive Medicine,
64/75, Main Road,
Chokkalingam Nagar, Teynampet,
Chennai - 600 086.

+3cc to Mr.G.Sankaran, Advocate Sr.No.3878

+1cc to The Government Pleader Sr.No.4020

AKM/15.03.21 /3P-8C/

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