

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.5373 and 5375 of 2021
and W.M.P.Nos.5964 and 5966 of 2021

Dr.K.Satish Kumar ... Petitioner in W.P.No.5373/2021
Dr.Karthikeyan Devarajan ... Petitioner in W.P.No.5375/2021

-vs-

Director of Medical Education,
Kilpauk,
Chennai - 600 010. ... Common Respondent

Prayer in W.P.5373/2021: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the Respondent herein to strictly adhere to the rule of station seniority as stipulated under G.O.(2D) No.131 dated 20.11.2007, Health and Family Welfare (A1) Department and cumulative station seniority norms followed for transfer counseling for other specialities conducted on 25.02.2021 and 26.02.2021 by passing orders of transfer, transferring the petitioner herein to the post of Assistant Professor, Department of Orthopaedics, Government Mohan Kumaramangalam Medical College, Salem where there are totally 4 vacancies at present.

Prayer in W.P.5375/2021: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the Respondent herein to strictly adhere to the rule of station seniority as stipulated under G.O.(2D) No.131 dated 20.11.2007, Health and Family Welfare (A1) Department, by passing orders of transfer, transferring the petitioner herein to the post of Assistant Professor, Department of Orthopaedics, Government Mohan Kumaramangalam Medical College, Salem.

For Petitioners: Mr.V.Prakash, Senior Counsel
For Mr.Swarnam J.Rajagopalan

For Respondent : Mr.S.Karthikeibalan
Govt. Advocate

C O M M O N O R D E R

These Writ Petitions have been filed for a direction to the respondent to strictly adhere to the rule of station seniority as stipulated under G.O.(2D) No.131, Health and Family Welfare (A1) Department dated 20.11.2007, with further direction to post them as Assistant Professors, Department of Orthopaedics, Government Mohan Kumaramangalam Medical College, Salem.

2. Learned Senior Counsel for the petitioners submitted that in view of the Covid situation, the counselling has been advanced and the petitioners, who were present during the counselling held on 26.02.2021, were neither permitted to choose the vacant post of Assistant Professor, Department of Orthopaedics, nor their application accepted, though they had a sufficient number of station seniority.

3. This Court cannot go into that aspect for the present, as the main prayer in the Writ Petitions is to strictly adhere to the rule of station seniority as contemplated under G.O. (2D) No.131 Health and Family Welfare (A1) Department, dated 20.11.2007. Learned Government Advocate fairly stated that the Respondent will strictly adhere to the rule of station seniority in terms of G.O.(2D) No.131 dated 20.11.2007 and take a decision.

4. In view of the above, these Writ Petitions are disposed of. The petitioners are at liberty to file an application to the Respondent in respect of their request and if any such application is received, the same shall be considered in accordance with G.O.(2D) No.131 dated 20.11.2007. It is needless to mention that if the petitioners are aggrieved by the decision of the Respondent, it is open to them to question the same in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

ar
To:

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

+1cc to Government Pleader SR.No.13740

W.P.Nos.5373 and 5375 of 2021

KJ(CO)

<https://hcservices.courts.gov.in/hcservices/>
GMR (29/06/2021)