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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.6378 of 2021
and W.M.P.No.6991 of 2021

Dr.Gayathiri.G

.. Petitioner

Vs.

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai - 600 009.
 2. The Director,
Directorate of Medical Education,
EVR Periyar High Road,
Chennai - 600 010.
 3. The Director of Public Health and
Preventive Medicines,
DMS Buildings,
Teynampet, Chennai - 600 006.
 4. The Director of Medical and
Rural Health Services,
DMS Buildings,
Teynampet, Chenna-600006.
 5. The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet, Chennai-600006.
 6. Dr.Surya Lakshmi,
 7. Dr.Martina V.
 8. Dr.Mahalakshmi K.
 9. Dr.Hidhaya Fathima K.
 10. Dr.Arputham A.
- .. Respondents



Prayer: This Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus directing the respondent authorities to re-do the counselling for promotion for Associate Professor (Pathology) by properly including the name of the petitioner as "Gayathiri.G" and her rank 204/MRB-2016 and thereafter consider the candidature of the petitioner as per rank list in MRB examination 2016 and thereafter publish the list of Associate Professors in the Department of Pathology.

For Petitioner : Mr.S.Thanka Sivan

For Respondents 1 to 5 : Mr.S.Arumugam
Government Advocate

O R D E R

(The case has been heard through video conference)

This writ petition has been filed seeking a direction to the respondent authorities to re-do the counselling for promotion to the post of Associate Professor (Pathology) by properly including the name of the petitioner herein as "Gayathiri.G" and her rank 204/MRB-2016 and thereafter consider the candidature of the petitioner as per rank list in MRB examination 2016 and thereafter publish the list of Associate Professors in the Department of Pathology.

2. According to the petitioner, she completed her Post Graduate Medical Course (MD-Pathology) during the year 2010-2013 and thereafter joined Government service as Assistant Professor in Government Villupuram Medical College, Villupuram on 04.05.2013 and now as she has completed five years of service as Assistant Professor, she is fully eligible for consideration to the post of Associate Professor. The petitioner appeared in the MRB examination during the year 2016 and her service as Assistant Professor was regularised on 04.05.2013.

3. Further according to the petitioner, in the promotion panel published on 19.02.2021, the petitioner's name appeared as Sl.No.76. However, according to the petitioner, her seniority in MRB-2016 was 204/MRB-2016, as per the MRB results published by the authorities. Therefore, according to the petitioner she should be placed immediately after Dr.Yogambal, who is senior in the Pathology discipline as 131/MRB-2016 and immediately above Dr.Surya Lakshmi whose rank list is 391/MRB-2016. However, in the panel of Medical Officers eligible for promotion as Associate Professors, petitioner's name has been wrongly printed with spelling mistake as "Gayatri G" instead of "Gayathiri. G" and in view of the said mistake, she was not included in the promotion panel and she was placed after Dr.Palaniappan whose rank is 1047/MRB-2016.



4. The grievance of the petitioner is that due to the above printing mistake, in the counseling held on 24.02.2021, she was not promoted and her juniors, viz., the respondents 6 to 10 herein, have been promoted as Associate Professors. In this regard she sent representations on 26.02.2021 and 01.03.2021 to rectify the printing error and grant her promotion. As the said representations were not considered, she filed the present writ petition.

5. Mr.S.Arumugam, learned Government Advocate appearing for the respondents 1 to 5, on instructions, submitted that the Government has issued a Government Order in G.O.(D).No.898, Health and Family Welfare (A1) Department, dated 06.08.2021 including the name of the petitioner Dr.G.Gayathiri (204/MRB-16) below Dr.M.Yogambal (131/MRB-16) and above Dr.S.Suryalakshmi (391/MRB-16) as requested by the petitioner and she has been included in the panel for promotion to the post of Associate Professor of Pathology and counseling is also likely to be conducted next week and opportunity will be given to the petitioner to participate in the said counselling. The said submission made by the learned Government Advocate is recorded.

6. In the light of G.O.(D).No.898, Health and Family Welfare (A1) Department, dated 06.08.2021 and the submission made by the learned Government Advocate, the writ petition is disposed of with a direction to the second respondent Director of Medical Education to permit the petitioner to participate in the counselling. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Directorate of Medical Education,
EVR Periyar High Road,
Chennai - 600 010.



3. The Director of Public Health and Preventive Medicines,
DMS Buildings,
Teynampet, Chennai - 600 006.

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4. The Director of Medical and Rural Health Services,
DMS Buildings,
Teynampet, Chenna-600006.
5. The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet, Chennai-600006.

+1cc to Government Pleader Sr No.41741

W.P.No.6378 of 2021 and
W.M.P.No.6991 of 2021

PCH (CO)
PR (16/09/2021)