



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.13060/2021 & WMP.No.13861/2021

[Video Conferencing]

1.Dr.J.Betty Agnes
2.Dr.V.S.Vaishnavi
3.Dr.K.P.Sangeetha

...Petitioners

Vs

1. The State of Tamil Nadu
rep.by Principal Secretary to Government
Health & Family Welfare Department
Secretariat, Fort St George, Chennai 600 009.

2. The Director of Medical and Rural Services
Kilpauk, Chennai 600 010.

3. The Director of Medical and Rural Services
DMS Campus, Teynampet, Chennai 600 006.

4. The Directorate of Public Health & Preventive Medicine
DMS Campus, Teynampet, Chennai 600 006. ... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to pass orders for restoration of seniority of the petitioners in CML 2018 based on their original seniority in CML 2010 as per Tamil Nadu Public Service Commission 2003-2004 Ranking Seniority also by keeping them above the names of Reserved List candidates subsequently appointed and contract basis Doctors subsequently cleared special qualifying examination after the appointment of the petitioners in consideration of representations dated 14.09.2017, 04.04.2019, 04.07.2019 and subsequent representations with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran
For Respondents : Mr.C.Kathiravan



Government Advocate

ORDER

1. By consent, the writ petition is taken up for final disposal and is disposed of by this order.
2. Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the respondents.
3. The case of the petitioners is that the petitioners were selected through the Tamil Nadu Public Service Commission [in short 'TNPSC'] in the year 2003-2004 and were appointed as Assistant Surgeons in the Tamil Nadu Medical Service in the year 2007. They were assigned with Civil Medical List [CML] Numbers based on the ranking assigned by TNPSC as per Rule 35[a] of the General Rule. Since the petitioners were undergoing Post Graduate Course, it is stated that they were given permission for seeking extension of time to join the service vide Proceedings of the 4th respondent dated 29.07.2006.
4. The grievance of the petitioners is that their seniority has been revised during the year 2018 and they were placed far below their juniors. The representations submitted by the petitioners in this regard did not evolve any kind of response. It is the further grievance of the petitioners that the persons who were appointed as Doctors subsequent to the petitioners on contract basis, have been placed above the petitioners in the CML 2018 and hence, the petitioners are constrained to approach this Court by filing the present writ petition.
5. Mr.G.Sankaran, learned counsel appearing for the petitioners would submit that the petitioners may be permitted to submit fresh representations to the respondents, who upon receipt of the same, may consider and dispose of the same within a time frame.
6. Though the petitioners prayed for a larger relief, having regard to the limited scope of the prayer that is now sought for by the learned counsel for the petitioners before this Court, without expressing any opinion on the merits of the case, this Court permits the petitioners to submit a representation either collectively or individually to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of such representation from the petitioners, shall consider and dispose of the same on merits and in accordance with law within a further period



of twelve weeks thereafter and communicate the decision taken, to the petitioners herein.

7. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP
To

1. The Principal Secretary to Government
State of Tamil Nadu
Health & Family Welfare Department
Secretariat,
Fort St George, Chennai 600 009.
 2. The Director of Medical and Rural Services
Kilpauk, Chennai 600 010.
 3. The Director of Medical and Rural Services
DMS Campus, Teynampet, Chennai 600 006.
 4. The Directorate of Public Health & Preventive Medicine
DMS Campus, Teynampet, Chennai 600 006.
- +1 CC to The Government Pleader, Sr 29196.

WP.No.13060/2021

AK-II (CO)
LS(16/07/2021)