



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.3193 of 2017

and

W.M.P. (MD) .No.2546 of 2017

D.Kumar

.. Petitioner

Vs

1.The State of Tamilnadu by its
Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

2.The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai-6.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 14.11.2016 and to promote the petitioner to the post of Health Educator in the Tamil Nadu Public Health Subordinate Services in Thanjavur District based on the petitioner's seniority by getting option letter as per the Judgment of this Court made in W.P.Nos.29553 to 29555/2014, 32344 to 32346/2014 and 6234/2015 dated 01.03.2016.

For Petitioner : Mr.M.Saravanakumar

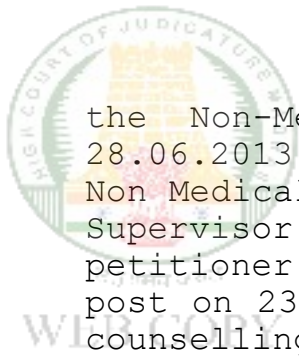
For Respondents : Mr.M.Muthugeethayan

Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the 2nd respondent to consider the petitioner's representation dated 14.11.2016 and to promote the petitioner to the post of Health Educator in the Tamil Nadu Public Health Subordinate Services in Thanjavur District based on the petitioner's seniority by getting option letter as per the Judgment of this Court made in W.P.Nos.29553 to 29555/2014, 32344 to 32346/2014 and 6234/2015 dated 01.03.2016.

2. The case of the petitioner is that the petitioner was initially appointed as Leprosy Inspector on 03.11.1986 and his service was regularised from the date of his initial appointment. At present, the petitioner is working as Technical Personal Assistant Grade-I. The grievance of the petitioner is that he has completed



the Non-Medical Supervisor Training held during 01.05.2013 to 28.06.2013. It is pertinent to note that who all are completed the Non Medical Supervisor Training alone are considered for Non Medical Supervisor Post. Accordingly, the 2nd respondent called the petitioner for counselling for Non Medical Supervisor promotional post on 23.07.2013 and the petitioner also participated in the said counselling and opted NMS post. But contrarily, the 2nd respondent promoted the petitioner to the post of Block Health Supervisor in Thanjavur District instead of Non Medical Supervisor post and thereafter created an anomaly in seniority and promoted the petitioner as Technical Personal Assistant. The feeder category for the promotional post of Health Educator is Non Medical Supervisor post. Hence, the petitioner sent a representation dated 14.11.2016 to the respondents to consider his name to the promotional post of Health Educator. Since the same was not considered the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner within a reasonable time as fixed by this Court.

4. Per contra, the learned Special Government Pleader appearing for the respondents has no serious objection to consider the representation of the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 14.11.2016 submitted by the petitioner and to pass appropriate orders on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order, if not considered already.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

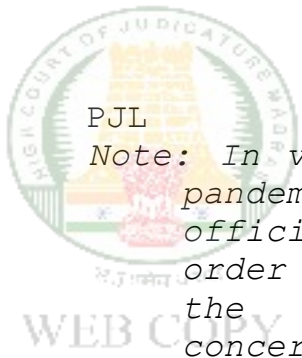
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



PJL

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,
State of Tamilnadu,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

2.The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai-6.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-11408[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11544[F] dated 16/03/2021)

W.P. (MD) .No.3193 of 2017

15.03.2021

RK(13.05.2021) 3P 5C