



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

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

W.P. (MD)No.16361 of 2017

and

W.M.P. (MD)No.13034 of 2017

WEB COPY

Nandhinee Vijay

... Petitioner

Vs.

1.The Secretary to Government,
Health Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Commissioner,
Directorate of Indian Medicine and
Homeopathy, Arumbakam,
Chennai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 & 2 herein from in any way filling up the post of Principal, Government Ayurveda Medical College, Nagercoil, Kanyakumari District without finalizing the seniority to the feeder category post of reader in the said institution.

For Petitioner : Mr.C.Jegannathan

For Respondents : Mr.M.Muthu Geethaiyan

Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus forbearing the respondents from in any way filling up the post of Principal, Government Ayurveda Medical College, Nagercoil, Kanyakumari District, without finalising the seniority to the feeder category post of Reader in the said Institution.

2. The case of the petitioner is that she was appointed as Lecturer Grade - II in the Government Ayurveda Medical College, Nagercoil on regular time scale of pay. Thereafter, she was posted as Lecturer/Associate Professor on full additional charge in the Government Ayurveda Medical College Hosptial, Nagercoil. While so, the post of Principal became vacant on 30.04.2015, due to retirement of Dr.Sri.Ramakrishnachariyar, on attaining the age of superannuation. As per the regulations of the Apex Body, 10 years service in teaching experience is must to fill up the vacancy. The petitioner has completed 10 years of service as Associate Professor on 15.07.2015 and Ph.D., in Ayurveda during relevant period. However, the petitioner was not considered for the post of Principal in charge of the said Institution. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.



3. The learned counsel appearing for the petitioner would submit that though Dr.Clarence Davy was given additional charge in the post of Principal, she was not qualified to occupy the said post. Hence, challenging the additional charge given to the said Dr.Clarence Davy, the petitioner has filed a writ petition before this Court in W.P.(MD).No.1874 of 2016 and the same is still pending. Hence, this Court may issue a direction to the first respondent to fill up the post of Principal, as per the Adhoc Rules, within a specified period as fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to fill up the Principal post, within a period of six months from the date of receipt of a copy of this order, in accordance with law and Rules in force.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Health Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Commissioner,
Directorate of Indian Medicine and
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