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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24568 of 2009

and

M.P.No.2 of 2009

D.Leelavathy

...Petitioner

-Vs-

- 1.The Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 2.The Director,
Medical and Rural Health Services,
Chennai - 600 010.
- 3.The Director,
Institute of Mental Health,
Kilpauk, Chennai - 600 010.
- 4.Akbar Alikhandhmlari
- 5.Gopal Baby
- 6.Veerasamy Seethalakshmi
- 7.Damodharan Parvathy
- 8.Nagarathinam Lakshmi
- 9.Susheela Pandurangan
- 10.Manthralaya Rao
- 11.Periasamy Nagammal
- 12.Bakthavatchalam Banumathy
- 13.Samuel Saraswathy Lavina
- 14.Ganesan Devaki
- 15.Mallika Kumara Gounder



16.Meenal Meyyan

17.Kannappa Reddy Janaki

18.Vasanthan Kaliyamuthu

19.Jesudoss Grace Annal

20.Vijaya Kumari Ponnusamy

21.Krishnamoorthy Kalavathy

22.Mari Muthupillai Parvathy

23.Duraisamy Sandhiya

24.Raja Naidu Leelavathy

25.Claitilda Texeira

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for records on the file of the 1st respondent civil nursing list dated 01.01.2005 issued in internet on dated nil and quash the same.

For Petitioner : Ms.P.Shanthini
for Mr.R.Karthikeyan

For R1 & R3 : Mr.V.Velusamy,
Additional Government Pleader

For R2 : Mr.P.Ganesan,
Government Advocate

For R4 to R25 : No Appearance

ORDER

Heard Ms.P.Shanthini, learned counsel for the petitioner, Mr.V.Velusamy, learned Additional Government Pleader for the respondents 1 and 3 and Mr.P.Ganesan, learned Government Advocate for the second respondent. There is no representation for the private respondents herein.

2. The petitioner, while holding the post of Nursing Superintendent Grade-II, was denied promotion, when 12 of her juniors were promoted. According to the learned counsel for the petitioner, the seniority in the Civil Seniority List itself



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suffers from an anomaly, since 22 of the petitioner's juniors have been shown as seniors to her. The respondents have not disputed this fact. As such, the seniority of the petitioner requires to be fixed above her immediate junior in the Civil Nursing Seniority List.

3. It is now stated that the petitioner herein had retired from service in the post of Nursing Superintendent Grade-II and that her juniors have all been promoted, by overlooking the petitioner's seniority.

4. In view of her retirement, the petitioner would be entitled for notional promotion to the post of Nursing Superintendent Grade-II, together with all consequential benefits. Hence, if a direction is issued to the respondents to grant notional promotion to the petitioner on par with her immediate junior, without disturbing the seniority list at this point of time, the ends of justice could be secured.

5. In the light of the above observation, there shall be a direction to the first respondent herein to pass appropriate orders, granting notional promotion to the petitioner on par with her immediate junior, who was promoted as Nursing Superintendent Grade-II for the panel year 2009-2010 and grant all the service and monetary benefits applicable to such promotion, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
2. The Director,
Medical and Rural Health Services,
Chennai - 600 010.



3.The Director,
Institute of Mental Health,
Kilpauk, Chennai - 600 010.

+2ccs to Mr.R.Karthikeyan, Advocate SR.No.15406

+1cc to Government Pleader SR.No.15920, 15916

W.P.No.24568 of 2009
and
M.P.No.2 of 2009

KV (CO)
GMY (18/03/2022)