



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.8532 OF 2015

AND

M.P.NO.1 OF 2015

Dr.A.Meenakshi, M.D.S,

...Petitioner

Vs

1. The Secretary,
Health and Family Welfare
Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Medical Education,
Office of the Directorate of
Medical Education,
Poonamallee High Road,
Near Kilpauk Medical College and
Hospital,
Chennai - 600 010.
3. The Principal,
The Tamil Nadu Dental College
and Hospital,
Chennai - 600 003.

4.Dr.Sabarigirinathan

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in Ref.No.74841/E1/2/2014, on the file of 2nd respondent dated 13.11.2014 and quash the same as illegal, incompetent, unconstitutional and without jurisdiction and direct the 3rd respondent to re-fix the petitioner's seniority list and for consequential orders.



WEB COPY

For Petitioner : Mr.V.Raghavachari

For R1 to R3 : Mr.C.Selvaraj,
Additional Government Pleader

For R4 : Mr.R.Ramachandran

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner is aggrieved against the action of the respondents in fixing the seniority below that of the fourth respondent herein. The ground taken by the petitioner is that while she was appointed as a Tutor on 24.05.1995, the fourth respondent was appointed on 11.04.2003. The petitioner's subsequent promotion to the post of Assistant Professor and Professor was prior to that of the fourth respondent herein. It is in this background, she had made a request for re-fixation of her seniority immediately above the fourth respondent, which request has been rejected through the impugned order dated 13.11.2014.

3. The official respondents 1 to 3 herein have filed a counter affidavit dated 29.12.2017, whereby it is stated in paragraph 12 that the second respondent had issued orders re-fixing the seniority list of Medical Officers in the cadre of Reader/Associate Professors, pursuant to the orders passed by this Court in W.P.No.28836 of 2015 dated 14.09.2015 and in consequence of such re-fixation, the petitioner's seniority has been placed over and above the fourth respondent herein, which is based on the date of joining in the post of Reader/Associate Professor by promotion from the feeder category of Assistant Professor, through his proceedings No.1407/E1/2/2017, dated 05.04.2017. As such, the grievance of the petitioner has been met.

4. In view of the subsequent proceedings of the second respondent, dated 05.04.2017, the earlier impugned order dated 13.11.2014, cannot be sustained.

5. Accordingly, the impugned order dated 13.11.2014 passed by the second respondent herein, is quashed. The respondents 1 to 3 are called upon to confer all the service and monetary benefits to which the petitioner would be eligible, pursuant to the proceedings of the second respondent dated 05.04.2017, whereby the petitioner's seniority was re-fixed.



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

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary,
Health and Family Welfare
Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Medical Education,
Office of the Directorate of
Medical Education,
Poonamallee High Road,
Near Kilpauk Medical College and
Hospital,
Chennai - 600 010.
3. The Principal,
The Tamil Nadu Dental College
and Hospital,
Chennai - 600 003.

+1cc to the Government Pleader, S.R.No.4900

W.P.No.8532 of 2015
and
M.P.No.1 of 2015

PMK (CO)
PM/08/02/2022