



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2022

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. Nos. 11569, 11575, 11578, 11579,  
11582, 11584 & 11586 of 2022

- 1.Dr. P. Muthusamy .. Petitioner in W.P.No.11569 of 2022
- 2.Dr. R. Vijaya Bharathi .. Petitioner in W.P.No.11575 of 2022
- 3.Dr. S. Daisy Chella Kumari .. Petitioner in W.P.No.11578 of 2022
- 4.Dr. P. Sampath Kumar ..Petitioner in W.P.No.11579 of 2022
- 5.Dr. R. Indumathy .. Petitioner in W.P.No.11582 of 2022
- 6.Dr. R. Priyadarsini .. Petitioner in W.P.No.11584 of 2022
- 7.Dr. R. Vadivu .. Petitioner in W.P.No.11586 of 2022

Versus

1. State of Tamil Nadu rep. by  
The Principal Secretary to Government,  
Department of Health and Family Welfare,  
Secretariat, Chennai - 600 009.
2. The Director of Medical Education,  
Directorate of Medical Education,  
Kilpauk,  
Chennai - 600 010.
3. Pharmacy Council of India,  
Rep. by its Secretary,  
NBCC Centre, 3<sup>rd</sup> Floor,  
Plot No.2, Community Centre,  
Maa Anandamai Marg,  
Okhla Phase I,  
New Delhi - 110020.



4. The Registrar,  
The Tamilnadu Dr.M.G.R.Medical University,  
Guindy,  
Chennai - 600 032.

.. Respondents in all W.Ps

## WEB COPY

W.P. No. 11569 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioners' representation dated 03.11.2021 regarding his promotion to the post of Associate Professor in Pharmacognosy, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

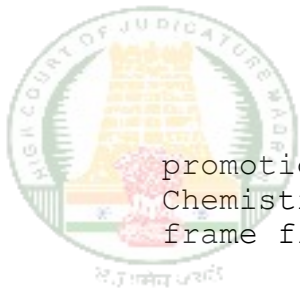
W.P. No. 11575 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioners' representation dated 03.11.2021 regarding her promotion to the post of Associate Professor in Pharmacognosy, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

W.P. No. 11578 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioners' representation dated 03.11.2021 regarding her promotion to the post of Associate Professor in Pharmaceutics, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

W.P. No. 11579 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioner's representation dated 22.02.2019 & 28.08.2020 regarding his promotion to the post of Associate Professor in Pharmaceutics, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

W.P. No. 11582 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioners' representation dated 03.11.2021 regarding her promotion to the post of Associate Professor in Pharmacology, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

W.P. No. 11584 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioners' representation dated 03.11.2021 regarding her



promotion to the post of Associate Professor in Pharmaceutical Chemistry, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

W.P. No. 11586 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents 1 & 2 to consider the petitioners' representation dated 03.11.2021 regarding her promotion to the post of Associate Professor in Pharmacognosy, by drawing necessary Seniority Panel, within a time frame fixed by this Court.

For Petitioners : Mr. S. Sathia Chandran  
in all the Writ Petitions

For Respondents : Mrs. Anitha,  
Special Government Pleader for RR1&2  
in all the Writ Petitions

#### COMMON ORDER

These writ petitions have been filed by the petitioners seeking a direction to the respondents 1 and 2 to consider their representations for promotion to the post of Associate Professor in Pharmacognosy / Pharmacology / Pharmaceutical Chemistry, on the ground that there are enough number of vacancies for quite sometime.

2. As per the averments made in the respective affidavits filed in support of the writ petitions, all the petitioners have completed M.Pharm Degree and have joined as Lecturer/Assistant Professors in various Colleges on 06.03.1997, 04.12.1997, 11.08.1999, 03.01.1998, 09.02.2004, 20.03.2003 and 24.04.1999 respectively. According to the petitioners, they have put in considerable length of service and are in possession of the requisite qualification as well as experience for promotion to the post of Associate Professor in various branches of Pharmacy as prescribed under Class V, Category 2 of the Special Rules of the Tamil Nadu Medical Services (as amended by G.O. Ms. No. 274 of the Health and Family Welfare (AA1) Department), dated 07.09.2015.

3. The grievance of the petitioners herein is that the second respondent did not draw panel for promotion to the post of Associate Professor for a long time, as a result of which, the petitioners were deprived of their promotional opportunity, even though they fulfil all the eligibility criteria. In this regard, the petitioner in WP No. 11579 of 2022 has submitted representations on 22.02.2019 and 28.08.2020 and the petitioners in other writ petitions have submitted their representations on



03.11.2021 separately furnishing the service particulars and other details required for consideration of their claim for promotion. However, the said representations submitted by the petitioners individually have not been considered, till date. Therefore, these writ petitions.

4. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed.

5. Considering the limited nature of relief sought by the petitioners, without going into the merits of the case, this Court directs the second respondent to consider the representations dated 28.08.2020 and 03.11.2021 of the petitioners and pass appropriate orders thereof on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, all these writ petitions are disposed of. No costs.

Sd/-  
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Principal Secretary to Government,  
Department of Health and Family Welfare,  
Secretariat, Chennai - 600 009.
2. The Director of Medical Education,  
Directorate of Medical Education,  
Kilpauk, Chennai - 600 010.
3. The Secretary,  
Pharmacy Council of India,  
NBCC Centre, 3<sup>rd</sup> Floor,  
Plot No.2, Community Centre,  
Maa Anandamai Marg,  
Okhla Phase I,  
New Delhi - 110020.



4. The Registrar,  
Tamilnadu Dr.M.G.R. Medical University,  
Guindy, Chennai - 600 032.

WEB COPY

+1cc to the Government Pleader, S.R.No.31242,31285,31243

W.P.Nos. 11569, 11575, 11578,  
11579, 11582, 11584 & 11586/2022

PA (CO)  
CT 19/05/2022