



WEB COPY



W.P. No.30476 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30476 of 2022

1. Dr. D. Ashwini
2. Dr. S. Subhashini
3. Dr.C.N. Angel Deepa

...Petitioners

VS.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Director of Medical Education,
Kilpauk,
Chennai – 600 010.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioners for posting as Assistant Professor in Physiology Department in Villupuram Medical College and Coimbatore Medical College respectively in the arising vacancies due to promotion and by newly sanctioned post by considering over all station seniority without reference to compulsory transfer to non parent Department, in consideration of the representation submitted by the petitioners.

For petitioners	: Mr.G. Sankaran
For respondents	: Mr.L.S.M. Hasan Fizal
	Addl. Govt. Pleader



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ORDER

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By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioners' representations for posting them as Assistant Professor in Physiology Department in Villupuram Medical College and Coimbatore Medical College respectively, in the arising vacancies due to promotion in the newly sanctioned post by considering overall station seniority without reference to compulsory transfer to non parent Department.

4. The petitioners have given representations for the aforementioned purpose. Since the representations have not been considered till date, they have filed this writ petition. The contention of the petitioners is that they have been transferred to non parent department out of compulsion. They seek for re-transfer to their parent department in the colleges mentioned supra. The petitioners will have to give a fresh representation for the said



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purpose. No prejudice would be caused to the respondents, if the petitioners' representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the respective petitioners, individually to give a fresh representation to the respondents requesting for posting them as Assistant Professor in Physiology Department in Villupuram Medical College and Coimbatore Medical College respectively in the arising vacancies due to promotion in the newly sanctioned post by considering overall station seniority without reference to compulsory transfer to non parent Department, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 2nd respondent shall pass final orders on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above directions, this writ petition stands disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE, J.

vsi2

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Director of Medical Education,
Kilpauk,
Chennai – 600 010.

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