



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. (MD)No.14365 of 2022

and

W.M.P. (MD) .Nos.10261 and 10262 of 2022

WEB COPY

Dr.S.Vijaya Raghavan

... Petitioner

vs.

1.The State of Tamil Nadu

represented by its Principal Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai 600 009.

2.The Director of Medical Education,

O/o. the Director of Medical Education,
Kilpauk,
Chennai 600 010.

3.Dr.M.Kalyanasundaram,

Professor of Anaesthesia,
Government Madurai Medical College,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.No.32859/L1/3/2022, dated 25.06.2022 on the file of the second respondent and quash the same as illegal insofar as not including the name of the petitioner is concerned and consequently for a direction directing the second respondent to draw the panel for the Post of Director and Professor, Institute of Anaesthesia at Madras Medical College, Chennai and Government Madurai Medical College, Madurai on the basis of the CML Seniority of medical officers in accordance with Government Order in G.O.Ms.No.226, Health and Family Welfare (A1) Department, dated 10.10.2013 and the Government Order in G.O.Ms.No.245, Health and Family Welfare (A2) Department, dated 30.10.2013 and forward the proposal to the first respondent within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For R1 & R2 : Mr.A.Kannan
Additional Government Pleader



ORDER

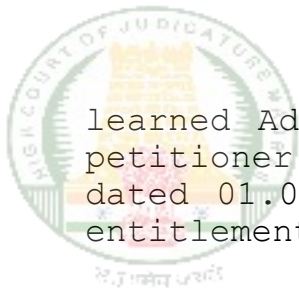
This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.No.32859/L1/3/2022, dated 25.06.2022, on the file of the second respondent and quash the same and consequently direct the second respondent to draw a panel for the Post of Director and Professor, Institute of Anaesthesia at Madras Medical College, Chennai and Government Madurai Medical College, Madurai, on the basis of the CML Seniority of medical officers, in accordance with Government Order in G.O.(Ms.)No.226, Health and Family Welfare (A1) Department, dated 10.10.2013 and the Government Order in G.O.(Ms.)No.245, Health and Family Welfare (A2) Department, dated 30.10.2013 and forward the proposal to the first respondent within the time stipulated by this Court.

2. The learned counsel for the petitioner submitted that a panel was prepared for filling up the post of Director and Professor, Institute of Anesthesiology, Government Madurai Medical College, after the retirement of Dr.N.Latha, then Director and Professor. The panel was prepared on 03.08.2020 and the name of the petitioner was included. However, in the subsequent panel prepared on 25.06.2022, his name is not included. The learned counsel for the petitioner draw the attention of this Court to G.O.(Ms.)No.226, Health and Family Welfare (A1) Department, dated 10.10.2013, for the position that the CML Seniority has to be considered for the post of Headship / Head of the Department. For the same position, he also referred the G.O.(Ms.)No.245, Health and Family Welfare (A2) Department, dated 30.10.2013. Violating the CML seniority, the petitioner's name is not included in the panel, dated 25.06.2022. Therefore, this writ petition.

3. Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2 and submitted that there was no panel prepared either on 03.08.2020 or on 25.06.2022 as claimed by the learned counsel for the petitioner. As per the proceedings in Ref.No.19915/E1/2020, dated 03.08.2020, certain particulars were requisitioned from the Head of the Medical Institutions relating to certain Medical Officers including the petitioner. This is not a panel. Similar exercise was done as per the proceedings in Ref.No.32859/L1/3/2022, dated 25.06.2022. Therefore, this petition is misconceived and premature.

4. Considered the rival submissions and perused the records.

5. As rightly pointed out by the learned Additional Government Pleader that the Ref.No.19915/E1/2020, dated 03.08.2020 and Ref.No.32859/L1/3/2022, dated 25.06.2022 are not a panel. It only requires certain information with regard to Medical Officers. including the petitioner. When this aspect was pointed out by the



learned Additional Government Pleader, the learned counsel for the petitioner restricts the prayer to consider his representation, dated 01.07.2022, for including his name in the panel, as per his entitlement.

6. Considering the limited prayer now sought for by the petitioner, this Court directs the respondents 1 and 2 to consider the petitioner's representation, dated 01.07.2022, in accordance with the Rules, before taking a decision with regard to filling up the post of Director and Professor, Institute of Anaesthesia at Madurai Medical College, Madurai.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

07/07/2022

Sub Assistant Registrar(CS)

akv

To

1.The State of Tamil Nadu
represented by its Principal Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai 600 009.

2.The Director of Medical Education,
O/o. the Director of Medical Education,
Kilpauk,
Chennai 600 010.

+1 CC to M/s.SPL.GP (SR-30408[F] dated 07/07/2022)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-30310[F] dated 07/07/2022)

Order made in
W.P. (MD)No.14365 of 2022
Dated:**06.07.2022**

srr(CO)
TR(07.07.2022) 3P 5C