



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.16833 of 2018

S.Malathi

... Petitioner

vs.

1.The State of Tamil Nadu
through its Secretary,
Department of Health and Family Welfare,
Chennai.

2.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai - 10.

3.The Dean,
Madurai Medical College,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents herein to consider the representation given by the petitioner dated 23.07.2018 requested to include the name of the petitioner in the panel for promotion to the post of Nursing Tutor Grade I for the panel year 2018 -2019 and consequently direct the first respondent to promote the petitioner as Nursing Tutor Grade - I.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

Heard Mr.M.Gnanagurunathan, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

2. The petitioner seeks a Mandamus directing the respondents to consider her representation and include her name in the panel for



promotion to the post of Nursing Tutor Grade - I for the year 2018 - 2019 and consequently direct the first respondent to promote her to Grade - I Nursing Tutor.

3. The prayer of the petitioner is not liable to be granted insofar as she had been placed under suspension with effect from 23.02.2010, on account of initiation of a criminal case in C.C.No.55 of 2020 for offences under Sections 406 and 420 of I.P.C. This matter is still stated to be pending before the Court of the Chief Judicial Magistrate, Thanjavur. The prayer sought relates to panel year 2018 - 2019 for which the crucial date is 15.03.2018. Since disciplinary action is been initiated and is been pending as on the crucial date, the prayer of the petitioner is rejected. This Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Chennai.

2.The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 10.

3.The Dean,
Madurai Medical College, Madurai.

+1 CC to M/s.SPL.GP (SR-1473[F] dated 12/01/2022)

+1 CC to M/s.MR.SAMIDURAI, Advocate (SR-1146[F] dated 11/01/2022)

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