



W.P(MD)No.25376 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25376 of 2022

and

W.M.P(MD)Nos.19454, 19455 & 19457 of 2022

A.L.Meenakshi Sundaram

... Petitioner

Vs

1.The State represented by
The 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.

3.R.Shanthimalar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in G.O.(D) No. 1157 Health and Family Welfare (A1) Department dated 31.10.2022 and to quash the same and consequently



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directing the first respondent to fill up the post of Director of Medical Education in accordance with the provisions of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 by considering the claim of the petitioner.

For Petitioner : Mr.S.Venkatesan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.S.Shaji Bino
Special Government Pleader
for R.1 & R.2

No Appearance for R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents 1 and 2.

2. The petitioner is presently holding the post of Director of Medical Education (OSD). The third respondent is also in the same rank and position. The incumbent Director of Medical Education had retired on 31.10.2022. The third respondent was appointed by the impugned order to hold the said post by way of full additional charge. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. According to him, the petitioner is the senior most panelist in the entire state and that therefore he should not have been overlooked.

4. I wanted to know from the petitioner's counsel as to whether he can refer or quote any statutory provision or rule. The learned counsel for the petitioner is unable to cite any such rule in support of his contention.

5. On the other hand, the learned Additional Advocate General submitted that appointment of the third respondent to hold the said post by way of full additional charge is only a stopgap arrangement. It is not going to confer any extra pay or perks in favour of the third respondent. In any event, the Department has already initiated the process of filling up the vacancy in the post of Director of Medical Education on regular basis. According to the learned Additional Advocate General, the entire process will be over within a period of three weeks. The said submission is recorded. If the petitioner has any claim for regular promotion to the said post, the same is left open. It is open to the petitioner to file an independent petition.



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6. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.12.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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