



WEB COPY



W.P.No.40 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.40 of 2023
and
W.M.P.No.32 of 2023

1.Dr.N.Sangeetha
2.Dr.K.Viswanathan
3.Dr.S.Selvi

... Petitioners

Vs.

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

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

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders to include the names of the petitioners in 2022 - 2023 panel for promotion to the post of Associate Professor in the Department of Pathology on consideration of the expiry of period of relinquishment for three years period from 2019 to 2021 with effect from the crucial dated 15.03.2019 and consequently promote the petitioners in the post of Associate Professor in the Department of Pathology as per 2022 - 2023 panel, based on the representation submitted by the petitioners dated



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05.12.2022, 12.12.2022 and 05.12.2022 respectively.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.E.Indhumathi
Government Advocate

ORDER

The grievance of the petitioners is that, despite the period of their relinquishment has already got expired, they have not been considered for promotion to the post of Associate Professor in the Department of Pathology. In such circumstances, they have given a representation on 05.12.2022, 12.12.2022 and 05.12.2022 respectively, seeking for inclusion of their names in the promotion panel (2022-2023) for the post of Associate Professor in the Department of Pathology. Since the representations have not been considered, they have filed this Writ Petition.

2. No prejudice would be caused to the respondents, if the petitioners' representations as stated supra are considered on merits and in accordance with law within a time frame to be fixed by this Court.

3. This Court is not expressing any opinion on the merits of the petitioners' representations. It is for the respondents to consider the same on



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merits and in accordance with law and decide as to whether the petitioners are entitled for inclusion of their names in the promotion panel in the year 2022 - 2023 to the post of Associate Professor in the Department of Pathology.

4. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law, on the petitioners' representations dated 05.12.2022, 12.12.2022 and 05.12.2022, seeking for inclusion of their names in the promotion panel (2022 - 2023) to the post of Associate Professor in the Department of Pathology, within a period of four weeks from the date of receipt of a copy of this order.

5. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

05.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

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ABDUL QUDDHOSE. J.,

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**05.01.2023
(1/2)**