



W.P.No.26466 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.26466 of 2018
and W.M.P.No.30762 of 2018

K.Meena

.. Petitioner

vs

1.The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
Chennai – 32.

2.The Registrar,
The Tamil Nadu Dr.MGR Medical University,
Chennai – 32.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the 2nd respondent in Proc.No.E11(1)/33832/2007 dt.04.11.2010 and 1st respondent in Rc.No.E11(1)/33832/2007 dt.28.12.2010 and consequently direct the respondents to re-fix the petitioner's seniority in the Assistant Section Office cadre with all attendant and monetary benefits.

For Petitioner : Mr.N.S.Nissar Ahmed
Senior Advocate
for Mr.L.Kowser Nissar

For Respondents : M/s.Ramalingam & Associates
for R1 and R2

ORDER

Writ petition has been filed in the nature of a certiorari seeking records of the second respondent, the Registrar, Tamil Nadu Dr.M.G.R. Medical University dated 04.11.2010 and that of the



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first respondent, the Vice Chancellor, Tamil Nadu Dr.M.G.R. Medical University dated 28.12.2010 and set aside the same and re-fix the seniority of the petitioner in the cadre of Assistant Section Officer with attendant and monetary benefits.

2. Let me not enter into detailed discussion on facts, since one particular aspect had been pointed out by the learned Senior Counsel for the petitioner, which cannot be either denied or disputed, as it is a fact based on record.

3. The order of the second respondent / the Registrar was dated 04.11.2010 in Proc.No.E11(1)/33832/2007. At that particular point of time the Registrar, Dr.MGR Medical University, who was holding Full Additional Charge, Dr.Sudha Seshayyan, had passed the order.

4. Aggrieved against the particular order, the petitioner had filed an appeal before the first respondent / Vice Chancellor, Dr.MGR Medical University. The order of the first respondent was dated 28.12.2010 in R.C.No.EII(1)/33832/2007. This particular order had also been passed by Dr.Sudha Seshayyan, Vice-Chancellor (in-charge). It is thus seen that the same official had



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passed both the Order-in-Original and also the Order-in-Appeal.

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5. This procedure cannot withstand the scrutiny of this Court. Naturally, the petitioner had been denied justice. The appeal order dated 28.12.2010 is therefore set aside. The matter is remitted back to the first respondent, the Vice Chancellor, The Tamil Nadu Dr.M.G.R. Medical University, Chennai – 32 to re-examine the entire records and pass an order on the basis of the appeal already filed by the petitioner herein. Such order should be passed within a period of sixteen weeks from the date of receipt of a copy of this order. All other issues are kept open to be examined after the order of the first respondent.

6. Writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

01.09.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

1.The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University, Chennai – 32.

2.The Registrar,
The Tamil Nadu Dr.MGR Medical University,
Chennai – 32.



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C.V.KARTHIKEYAN,J.

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