



W.P.(MD)No.4043 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4043 of 2023

Dr.A.Senthilnathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare (IM2-1) Department,
Secretariat,
Chennai-9.

2.The Director,
O/o. Directorate of Indian Medicine and Homoeopathy,
Chennai-106.
... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to dispose of the appeal preferred by the petitioner dated 30.04.2022 as against the proceedings of the second respondent dated 02.04.2022 pending on the file of the first respondent within the period that may be stipulated by this Court.



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For Petitioner : Mr.H.Mohammed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the first respondent to dispose of the appeal preferred by the petitioner dated 30.04.2022, as against the proceedings of the second respondent dated 02.04.2022, pending on the file of the first respondent within the period that may be stipulated by this Court.

2. The case of the petitioner is that the petitioner was appointed as Tutor on 13.06.2008 and the post of Tutor was subsequently re-designated as Lecturer Grade-II and later was conferred Reader (in Full Additional Charges) by the second respondent. His service was regularised. While so, the second respondent herein vide the proceedings dated 02.04.2022 has fixed the *inter-se* seniority in the post of Lecturer Grade-II and among the four candidates selected in the year 2008, one



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Clarence Davy and Vasumathi were placed ahead of the petitioner. However, all of them were appointed on the same date. Having regard to the date of appointment, the petitioner should have been placed ahead of the other two candidates and since the date of joining is one and the same, they should have given preference to the date of birth. Hence, aggrieved by the seniority list, he submitted a detailed representation dated 30.04.2022 to the respondents 1 and 2 . But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to dispose of the representation of the petitioner, dated 30.04.2022, on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.



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5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 30.04.2022 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

27.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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To

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M.DHANDAPANI,J.

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