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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4092 of 2021 and
W.M.P.Nos.4674 & 4675 of 2021

1.Dr.S.Saravanan
2.Dr.S.Prakash
3.V.Sujatha

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep by its 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.

... Respondents

PRAYER: This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to consider the petitioners for transfer and posting in the Department of Physiology in terms of their qualification and as per the condition of appointment in the newly established Medical Colleges / existing Medical Colleges based on service seniority, considering the representations of the petitioners dated 15.05.2020.

For Petitioners : Mr.A.Maheshnath

For Respondents : Mr.R.Neethi Perumal, GA



ORDER

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The petitioners have filed this Writ Petition to issue a Writ of Mandamus to direct the respondents to consider the petitioners for transfer and posting in the Department of Physiology in terms of their qualification and as per the condition of appointment in the newly established Medical Colleges / existing Medical Colleges based on service seniority, considering the representations of the petitioners dated 15.05.2020.

2. Heard Mr.A.Maheshnath, learned counsel for the petitioners and Mr.R.Neethi Perumal, learned Government Advocate for the respondents.

3. The petitioners who are qualified with M.Sc Degree and Ph.D in physiology have been appointed in the Government Medical College as Non-Medical Tutor to take the subject of Physiology for medical students. Since there is no promotional avenue for the petitioners, they have filed a Writ Petition in W.P.No.5472 of 2021 to include them also in the promotion panel for the post of Assistant Professor, Associate Professor etc. But the said relief was not granted to the petitioner for the



reasons that they are not doctors, as similar as Tutors, Assistant Professors etc., to handle medical subjects to the medical students.

However, the post was re-structured and consequently, the petitioners were allowed to handle the subjects of Pathology, Bio Chemistry and Community Medicine etc. However, the petitioner's designation that they are non-medical Tutors did not change. Since the re-structuring of the post did not yield any better benefit to the petitioners, they have now filed this Writ Petition praying to atleast resend them to their parental department (Physiology).

4. Despite the petitioners have been working for several years, it is unfortunate that they did not have any career progress. The re-structuring of the post also did not result in any positive impact on the career scope on the petitioners and like others. There is no point in causing further inconvenience to the petitioners by placing them to handle the subjects which were not their core study. Hence, it is appropriate for the respondents to consider the representation of the petitioner and pass orders by posting the petitioners as wished by them.



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5. In the result, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioners and pass orders by posting the petitioners as wished by them in newly started medical colleges across the State, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2024

Index : Yes / No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To

- 1.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.



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R.N.MANJULA, J.

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