



W.P.No.4701 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4701 of 2021
and W.M.P.Nos.5321 & 5322 of 2021

- 1.Dr.R.Karthikeyan
- 2.Dr.K.Sarala
- 3.Dr.M.S.Sharmila
- 4.Dr.T.A.Rajagopal
- 5.Dr.A.J.Anand
- 6.Dr.V.Balaji

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.

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

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to conduct the Promotion Counseling and consequently, promote the petitioners to the Post of Readers or to its equivalent posts with all consequential and attendant benefits including arrears of salary, considering their seniority.

For Petitioners : Mr.R.Prabhakaran

For Respondents : Mr.E.Sundaram, GA



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to conduct the Promotion Counseling and consequently, promote the petitioners to the Post of Readers or to its equivalent posts with all consequential and attendant benefits including arrears of salary, considering their seniority.

2. Heard Mr.R.Prabhakaran, learned counsel for the petitioners and Mr.E.Sundaram, learned Government Advocate for the respondents.

3. The petitioners were recruited as Assistant Professors (Dental) to the Tamil Nadu Medical Services and were regularised from the date of their initial appointment. The petitioners were promoted as Senior Assistant Professors. A Writ Petition has been filed in W.P.No.14129 and 14220 of 2019 in which an order has been passed on 08.01.2020 for issuing direction to the respondents to conduct counselling. But so far the counselling has not been conducted.



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4. The learned counsel for the petitioner submitted that the respondents are contemplating to promote or to fill up the vacancy to the post of Readers without promoting the petitioners to the next level of post. Hence the petitioners have filed this Writ Petition seeking direction.

5. Earlier, similarly placed persons have filed Writ Petitions in W.P.Nos.14219 & 14220 of 2019 seeking direction to conduct counselling to the post of Associate Professor in Vascular Surgery and a direction has been given in the Writ Petitions on 08.01.2020. The petitioners have submitted that no such counselling has taken place despite the order of this Court. As the petitioners are not the petitioners in the earlier Writ Petitions, it appears that they have filed this Writ Petition seeking the same relief.

6. Since the petitioners are entitled to be promoted to the next level as per the regulations, the respondents are bound to conduct counselling before issuing orders for promotion to the others in the post of Reader. Since the petitioners' representation in this regard is not considered so far, the same shall be considered in accordance with law and on its own



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merits and also taking into consideration of the earlier direction of this Court pending in this regard and pass orders as it deem fit.

7. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2024

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



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- To
- 1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, 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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