



W.P.No.10234 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.10234 of 2021

S.Ravikumar

...

Petitioner

Vs.

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

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioner, dated 10.04.2021 and direct the respondent to promote the petitioner as Nursing Tutor Grade - I based on the promotion panel, dated 10.12.2020 prepared by the respondent.

For Petitioner : V.Elangovan

For Respondent : Mr.E.Sundaram,
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a direction to the respondent to consider and pass orders on the representation of the petitioner, dated 10.04.2021 and consequently direct the respondent to promote the petitioner as Nursing Tutor Grade - I based on the promotion



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panel, dated 10.12.2020.

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2. The petitioner was working as a Nursing Tutor Grade-II in the Government Kasthurba Gandhi Hospital, Chennai. While so, on 22.02.2016, CCB-II registered a case in Crime No.58 of 2016 under Sections 468, 471 r/w. 341 I.P.C., on the allegation that the petitioner along with four others created a forged document and stole the property of one Loordhu Selvarani. The petitioner was arrested in the said case and released on bail granted by this Court on 25.08.2016. Thereafter on 21.09.2016, the respondent passed an order placing the petitioner under deemed suspension. The petitioner has challenged the same by way of Writ Petition before this Court in W.P.No.4958 of 2017 and the said Writ Petition was disposed with a direction to consider the representation of the petitioner. However, the representation was rejected on 04.05.2017 and the said rejection was also challenged subsequently in W.P.No.14563 of 2017 wherein this Court had granted interim stay on 12.06.2017. On 23.06.2017, the petitioner was given with a charge memo while he was in suspension. Thereafter on 10.10.2017, the respondent revoked the deemed



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suspension. However, the proceedings are still pending. Meanwhile, the respondent released the panel for promotion to the post of Nursing Tutor Grade-I in which the petitioner's name finds place in S.No.19. However, the petitioner was not called for counselling and his juniors were promoted to the post of Nursing Tutor Grade - I. Since the petitioner's representation was not considered despite his name was included in the promotion panel, the petitioner has filed this Writ petition.

3. Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate appearing for the Respondent.

4. E.Sundaram, learned Government Advocate appearing for the Respondent submitted that the disciplinary proceedings taken against the petitioner are still pending and hence the petitioner's name has not been considered for promotion so far. During the pendency of the Criminal and departmental proceedings, the petitioner cannot claim promotion as a matter of right.

5. However, the respondent shall consider the case of the petitioner taking into consideration of the circumstances in the peculiar facts of the



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allegations made against him and also considering the fact that his name has been included in the promotion panel.

6. In the result, this Writ Petition is disposed of, directing the respondent to consider the representation of the petitioner, dated 10.04.2021 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

18.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum

To:
The Director of Medical Education,
Kilpauk, Chennai 600 010.

R.N.MANJULA ,J.



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