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W.P.Nos.12738 and 12745 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.12738 and 12745 of 2022

and

W.M.P.Nos.12198, 12199, 12203, 12204 of 2022

- | | |
|---------------------|---|
| 1. S.Venkiteshwaran | ... Petitioner in W.P.No.12738 of 2022 |
| 2. G.Kolappan | ... Petitioner in W.P.No.12745 of 2022 |

-Vs-

- | | |
|--|--|
| 1.The Director of Medical Services and Rural
Health Services,
Chennai – 600 006. | |
| 2.The Director of Public Health and
Preventive Medicine,
Chennai – 600 006. | |
| 3.The Joint Director of Health Services,
Kanyakumari District. | ... Respondents (in both WPs) |

Common Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the circular in ref.No.11779/E1/3/2022 dated 06.05.2022 of the 1st respondent herein, quash the same and forbear the respondents from releasing the services of the petitioner from the Directorate of Medical and Rural Health Services.



W.P.Nos.12738 and 12745 of 2022

In both WPs

WEB COPY

For Petitioners : M/s.AL.Ganthimathi
Senior Counsel for
Mr.AR.Karthiklakshmanan

For Respondents : Mr.S.Arumugam
Government Advocate

COMMON ORDER

These writ petitions have been filed challenging the circular dated 06.05.2022 issued by the first respondent, thereby releasing the service of the petitioner from the Directorate of Public Health and Preventive Medicine.

Heard the learned counsel on either side and perused the materials available on record.

Both the petitioners are qualified with MBBS degree and they had joined services as Assistant Surgeon. Their services come under the Directorate of Medical and Rural Health Services. By the communication dated 14.03.2022, issued by the first respondent stating that the Joint Director of Health Services were informed that the Director of Public Health and Preventive Medicine has re-scheduled a counselling to be held on 29.03.2022 for release of Medical Officers from the Directorate of Medical and Rural Health Services, on



W.P.Nos.12738 and 12745 of 2022

30.03.2022 for all super numeric candidates. Along with the said

communication, a list of MBBS Doctors were released from the Directorate of Medical and Rural Health Services to the Directorate of Public Health and Preventive Medicine. All the Joint Director of Health Services were instructed to communicate the above counselling schedule to the MBBS released Medical Officer including super numeric candidates. The petitioners submitted their objections and requested not to be released to Directorate of Public Health and Preventive Medicine and to permit them to continue in the Medical and Rural Health Services. However, by the circular dated 06.05.2022 issued by the Directorate of Medical and Rural Health Services, informed that MBBS Doctors working in the Directorate of Medical and Rural Health Service Institutions had been released to the Directorate of Public Health and Preventive Medicine in order to accommodate service Post Graduate and Non Service Post Graduate candidates to ensure proper speciality services in Secondary Grade Institutions. Accordingly, MBBS Doctors were released to the Directorate of Public Health and Preventive Medicine were enclosed and all the Joint Director of Health services were instructed to furnish the option forms for the MBBS candidates who have been released to the Directorate of Public Health and Preventive Medicine for deciding the place of posting.

This Court passed an interim order that the petitioners will not be asked



W.P.Nos.12738 and 12745 of 2022

to work under any person, who is junior to them.

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A perusal of the counter filed by the first respondent revealed that the panel for promotion to the posts of Senior Assistant Surgeon/Civil Surgeon/Senior Civil Surgeon/Chief Civil Surgeon are being carried out duly promoting all the medical officers working in Director of Public Health and Preventive Medicine/Director of Medical and Rural Health Services/ESI/Foreign service/other institutions in the combined seniority. The Director of Medical and Rural Health Services is the Unit officer duly processing the promotions in the Director of Medical and Rural Health Services comprising three Directorates. Therefore, the release of the Medical Officer to the Directorate of Public Health and Preventive Medicine is duly as per the option exercised by the petitioner and the same has been processed in order to accommodate the service PG Specialists and Non Service PG Specialists completing every year to ensure speciality treatment in the Secondary care institutions. Further, as per G.O.Ms.No.354, Health and Family Welfare Department, dated 23.10.2009, the Medical Officers working in the Director of Public Health and Preventive Medicine/Director of Medical and Rural Health Services/ESI/Foreign service/other institutions are being promoted in the combined seniority and hence, the promotion opportunities of the petitioner will not be affected due to



W.P.Nos.12738 and 12745 of 2022

the movement to the Director of Public Health and Preventive Medicine.

Therefore, the release of the petitioner to Directorate of Public Health and Preventive Medicine will not affect any service benefits of the petitioners and will also pave way for the placement of specialists in Government Hospitals for effective provision of speciality medical care to the poor public.

Recording the above, the impugned circular dated 06.05.2022 cannot be quashed. Accordingly, these writ petitions are dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

12.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.

mn

To

1.The Director of Medical Services and Rural



W.P.Nos.12738 and 12745 of 2022

Health Services,
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WEB COPY

2.The Director of Public Health and
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