



W.P.No.15156 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.15156 of 2021

A.Mohammed Zubair

...

Petitioner

/vs/

1. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

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

3. The Director of Medical and Rural Health Services,
Chennai.

4. Dean,
Kanyakumari Medical College Hospital,
Asaripallam, Kanyakumari.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to consider petitioner representation dated 11.06.2021 and consider him for the post of Dean in



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the existing vacancy or post in the Medical Colleges, after rectifying the mistakes in petitioner's re-designation orders within a time frame to be stipulated by this Court.

For Petitioner ... Mr.N.S.Nandakumar

For Respondents ... Mr.E.Sundaram
Govt. Advocate for R1 to R4

ORDER

Heard Mr.N.S.Nandakumar, the learned counsel for the petitioner and Mr.E.Sundaram, the learned Government Advocate for R1 to R4.

2. The petitioner who claims to be promoted to the post of 'Dean' of a Medical College has filed this writ petition seeking writ of mandamus to consider his representation dated 11.06.2021 and promote him to the post of 'Dean' in the existing vacancy by rectifying the mistakes in his re-designation orders.

3. The petitioner has been posted as 'Assistant Surgeon' at Government Hospital, Tiruttani and later posted as 'Medical Officer' at



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Thoothukudi Medical College Hospital on 15.03.2008. After three years, the petitioner was designated as 'Associate Professor'. Thereafter the petitioner has been posted as 'Senior Surgeon' in Orthopedics, Government College, Kanniyakumari vide order dated 10.07.2008.

4. It is claimed by the petitioner that the post of 'Medical Officer' is equivalent to the post of 'Assistant Professor'. The petitioner's grievance is that despite he possessed the qualification to be promoted as 'Dean' of a Medical College and his juniors have been considered for the said post, he was not considered in view of the mistake in the reference made in the posting order dated 10.07.2008. The petitioner claims that his earlier posting dated 15.03.2008 itself would confer him the post of 'Assistant Professor', however the respondents have calculated the service of the petitioner as 'Assistant Professor' only from 10.07.2008 and stated that the petitioner does not have the qualification to be promoted to the post of 'Dean' in medical college. Even in the counter of the respondent it is stated that the petitioner should have minimum of 10 years of teaching experience as Professor / Associate Professor / Reader in Medical Colleges



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/ Institution out of which at least five years must be as a Professor in a department and should have a minimum of one year left over service on the date of consideration prior to retirement.

5. Since the petitioner claims that he has been posted as 'Medical Officer' as early as on 15.03.2008, his re-designation as 'Associate Professor' after three years would be from the month March, 2011. If the petitioner's services in the cadre of 'Associate Professor' is calculated from 15.03.2008 and if the petitioner gets the qualifying service of ten years for getting promoted to the post of 'Dean' of a Medical College, he ought to have been considered at the time when his juniors have been considered for the said post.

6. It is up to the respondents to consider the representation of the petitioner dated 11.06.2021 in accordance with law and on its own merits and pass orders by taking into account of the above observation, within a period of three weeks from the date of receipt of a copy of this order.



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

WEB COPY

19.03.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

Note to Office: Issue order copy by 20.03.2024

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To:

1. The Secretary to Government of Tamil Nadu,
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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