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W.P.No.20384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.20384 of 2022
and W.M.P.No.19569, 19570 and 19573 of 2022

1. Dr.D.Saravanan
2. Dr.G.Venkatesh
3. Dr.J.Gayathri
4. Dr.C.Selin Sofiah
5. Dr.D.Jeyalakshmi
6. Dr.T.SudaNandhini
7. Dr.K.Chandra Kala
8. Dr.V.Balaji
9. Dr.M.Vijayalakshmi
10. Dr.A.D.Saravan Kumari
11. Dr.S.Prasannakumar
12. Dr.Ramasundari
13. Dr.S.Gurusamy
14. Dr.M.Dina Mary
15. Dr.K.Vinoth

... Petitioners

Vs.

1. The Principal Secretary to Government,
Ministry of Health and Family Welfare,
Chennai.
2. The Director of Medical Education,



W.P.No.20384 of 2022

Tamil Nadu Health and Family Welfare,
E.V.R.High Road, Kilpauk,
Chennai – 600 010

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3. The Directorate of Medical Services,
The Medical and Rural Health Services,
DMS Complex, 361, Anna Salai,
Chennai
4. The Director of Public Health Services,
DMS Complex, 361,
Anna Salai, Chennai.
5. Dr.A.Meeradevi,
6. Dr.N.Asvini
7. Dr.R.Lenin
8. Dr.R.Vishnupriya
9. Dr.J.Arun Kumar
10. Dr.S.Yosodha
11. Dr.G.Rajeshkumar
12. Dr.R.AmirthaJansi Rani
13. Dr.G.Udayakumari
14. Dr.S.Syed Ali Fathima
15. Dr.B.Lavanyadevi
16. Dr.RomyW.Marshnil
17. Dr.P.Renuka
18. Dr.T.Rameswari
19. Dr.P.Deepa
20. Dr.P.Ananthi
21. Dr.G.Ganesh
22. Dr.K.Indhu



W.P.No.20384 of 2022

23. Dr.K.V.Vijayakumar
24. Dr.P.Ganapraba
25. Dr.N.Vijayabanu
26. Dr.S.Umamaheswari
27. Dr.S.Brindha
28. Dr.V.Rajagopal
29. Dr.A.Sangeetha
30. Dr.R.Parthasarathi
31. Dr.A.Evangeline Mary
32. Dr.M.Gopal
33. Dr.T.Susila
34. Dr.K.Sathish Kumar
35. Dr.J.Rajesh
36. Dr.D.Sivakumar
37. Dr.P.Selvam
38. Dr.D.Jai Ganesh
39. Dr.P.R.SreeSupria
40. Dr.G.Venkatesh
41. Dr.R.Tamilarasi
42. Dr.M.Janaki
43. Dr.J.Balaji
44. Dr.S.Suganthi
45. Dr.M.Madhumitha
46. Dr.V.Ramaprabhakar
47. Dr.E.Muthurajesh
48. Dr.K.Sujatha
49. Dr.S.Dhamodharan



W.P.No.20384 of 2022

50. Dr.S.Latha Maheswari

51. Dr.K.Christra

52. Dr.V.Sivachandiran

53. Dr.G.Sasi Krishnan

54. Dr.K.Vidulatha

55. Dr.M.Anuradah

56. Dr.G.Sundar

57. Dr.S.Manimekalai

58. Dr.S.ElizabethPriyadarisini

59. Dr.C.Subadha

60. Dr.V.Vimala

61. Dr.T.Karthikeyan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records on the file of the First Respondent pertaining to G.O.Ms.No.284 Health and Family Welfare (B1) Department dated 29.07.2020 and the Proceedings of the Second Respondent issued in KDist No.32313 /E1/4/2021-Anat dated 09.05.2022, KDis No. 32313/E1/4 /2021-CM dated 09.05.2022, KDist No.32313/E1/4/2021-Bio dated 09.05.2022, KDist No.32313/E1/4/2021-Pharm dated 10.05.2022, KDist No.32313/E1/4/2021-Micro dated 09.07.2022 and all proceedings pursuant to Ref No. 32313/E1/5/2021-ASP dated 12.07.2022 and quash the same and to direct the Official Respondents herein to issue revised panel based on CML seniority for promotion as Associate Professor according to G.O(MS) No.354 dated 23.10.2009 and G.O(MS)No.245 dated 30.10.1013 by desisting from counting the Bond Service period of Non Service PG Doctors and to



W.P.No.20384 of 2022

include only those who have been regularly recruited by selection by competitive examination conducted by MSRB by counting the period of their service only from the date of such selection in the revised panels and to consequently revert the ineligible candidates from the post of Associate Professor and promote those included in the revised panels as Associate Professors and to pass such further or other orders deem fit by this Hon'ble Court.

For petitioner : Mr.M.Ravi
For respondents : Mrs.Sneha
Special Counsel for R1 to R4
For R8 : Mr.S.S.Karthikeyan
For RR12, 21, 30,
32 to 40, 42,43, 44,
45, 46, 48, 49, 50, 51 : Mr.R.Saravana Kumar

ORDER

This writ petition is filed by the petitioners seeking to quash the order of the first respondent pertaining to G.O.Ms.No.284 Health and Family Welfare (B1) Department dated 29.07.2020 and the proceedings of the second respondent issued in KDist No.32313 /E1/4/2021-Anat dated 09.05.2022, KDis No. 32313/E1/4 /2021-CM dated 09.05.2022, KDist No.32313/E1/4/2021-Bio dated 09.05.2022, KDist No.32313/E1/4/2021-Pharm dated 10.05.2022, KDist No.32313/E1/4/2021-Micro dated 09.07.2022 and all proceedings pursuant to Ref No. 32313/E1/5/2021-ASP dated 12.07.2022. Consequently, to direct the official respondents



herein to issue revised panel based on CML seniority for promotion as Associate Professor according to G.O(MS) No.354 dated 23.10.2009 and G.O(MS)No.245 dated 30.10.1013 by desisting from counting the Bond Service period of Non Service PG Doctors and to include only those who have been regularly recruited by selection by competitive examination conducted by MSRB by counting the period of their service only from the date of such selection in the revised panels and to consequently revert the ineligible candidates from the post of Associate Professor and promote those included in the revised panels as Associate Professors.

2. Heard both sides and perused the materials available on record.

3. The learned counsel appearing for the petitioner relied upon the order passed by this Court in ***C.Guna Sundari and others Vs. The Health Secretary, Health & Family Welfare Department and others [Writ Appeal Nos.1897, 1906, 2608 of 2022 and 1103 of 2024]***. The said writ appeal was disposed of by the Hon'ble Division Bench of this Court *vide* order dated 17.05.2024. For the sake of easy reference, the relevant paragraphs cited by the learned counsel for the petitioners in the



said order is extracted as follows:

4.4. *All the aforesaid writ petitions were taken up for hearing together and the main ground of attack of the in-service doctors before the learned Judge were, inter alia, as under:*

a) *when, as per the proviso to Section 17(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2015, persons not sponsored by the Tamil Nadu Public Service Commission (TNPSC) shall not be directly recruited, and as per Section 17(3), ibid., the temporary appointees have to be replaced by regular service candidates as soon as possible, regularising the non-service doctors reckoning their service from the date of their entry into bond service and conducting counselling for promoting them to the post of Associate Professors or Professors, as the case may be, cannot be allowed to stand;*

b) *appointment of non-service doctors against sanctioned posts and regularising their services by reckoning the bond period as probationary period is against the provisions of the aforesaid Act.*

c) *the appointment of non-service doctors is by way of back door entry, inasmuch as, they had not taken up the examination conducted by the TNPSC.*

d) *the promotion sought to be given to non-service doctors blocks the promotional avenue of the in-service doctors.*

20. *Therefore, the official respondents are directed to issue necessary orders pursuant to the approved panel for the year 2022-2023 to the impleaded parties on par with similarly placed persons for whom promotion orders have already issued in December 2023. The approved panel for promotion to the post of Associate Professor for the year 2022-23 may be given effect to. The State Government has specifically stated that the approved panel list consists of the candidates who are all eligible as per the NMC norms and Regulations.*



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W.P.No.20384 of 2022

21. *The claim of the appellants shall be considered by the department as and when they become eligible for promotion as Associate Professor in accordance with the NMC regulations which requires five years of teaching experience post PG for promotion to the post of Associate Professor in the concerned field.*

22. *With the above directions and observations, the writ appeals stand disposed of. No costs. Connected C.M.Ps. stand closed.*

4. In the light of the aforesaid decision of this Court dated 17.05.2024, following the same observations and directions, this writ petition stands disposed of. No costs. Connected Writ Miscellaneous Petitions are closed.

11.11.2024

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Index	:	Yes/No
Internet	:	Yes/No
Citation	:	Yes/No



WEB COPY



W.P.No.20384 of 2022

VIVEK KUMAR SINGH,J.

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To

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Tamil Nadu Health and Family Welfare,
E.V.R.High Road, Kilpauk,
Chennai – 600 010
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