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W.A. Nos.1410 to 1412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A. Nos.1410 to 1412 of 2023
C.M.P. Nos.13754, 13760 and 13769 of 2023

W.A. No.1410 of 2023:

Dr. Jayaprakash Narayanan K.

Appellant

v

1 The State of Tamil Nadu
represented by the Secretary
Health & Family Welfare (A1) Department
Fort St. George
Chennai 600 009

2 The Director of Medical Education
No.162, Poonamallee High Road
Opposite MJRC Clinic
New Bupathy Nagar
Chetpet, Chennai
Tamil Nadu 600 031

3 The Director of Medical and Rural Health Services
No.359, Anna Salai
Teynampet
Chennai
Tamil Nadu 600 006

4 Dr. Chengalvarayan G.

Respondents



W.A. Nos.1410 to 1412 of 2023

W.A. No.1411 of 2023:

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1 Dr. P. Senthil Kumar

2 S. Rajasekar

Appellants

v

1 The State of Tamil Nadu
represented by the Secretary
Health & Family Welfare (A1) Department
Fort St. George
Chennai 600 009

2 The Director of Medical Education
No.162, Poonamallee High Road
Opposite MJRC Clinic
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Tamil Nadu 600 031

3 The Director of Medical and Rural Health Services
No.359, Anna Salai
Teynampet
Chennai
Tamil Nadu 600 006

4 Dr. K.V. Arasi

Respondents

W.A. No.1412 of 2023:

1 Dr. P. Senthil Kumar

2 S. Rajasekar

Appellants

v

1 The State of Tamil Nadu
represented by the Secretary
Health & Family Welfare (A1) Department
Fort St. George
Chennai 600 009



W.A. Nos.1410 to 1412 of 2023

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4 Dr. Chengalvarayan G.

Respondents

Writ Appeals filed under Clause 15 of the Letters Patent challenging the common order dated 21.04.2023 passed in W.P. Nos.1013 of 2023, 1373 of 2023 and 1371 of 2023, respectively.

W.A. No.1410 of 2023:

For appellant	Mr. R. Srinivas, Sr. Counsel for Mrs. V Mythili
For RR 1 to 3	Mrs. S. Anitha Special Govt. Pleader
For R4	Mr. K. Venkataramani, Sr. Counsel for Mr. Mohamed Ismail



W.A. Nos.1410 to 1412 of 2023

W.A. No.1411 of 2023:

For appellant	Mr. R. Srinivas, Sr. Counsel for Mrs. V Mythili
For RR 1 to 3	Mrs. S. Anitha Special Govt. Pleader
For R4	Mr. R. Singgaravelan, Sr. Counsel for Mr. Muruganantham

W.A. No.1412 of 2023:

For appellant	Mr. R. Srinivas, Sr. Counsel for Mrs. V Mythili
For RR 1 to 3	Mrs. S. Anitha Special Govt. Pleader
For R4	Mr. K. Venkataramani, Sr. Counsel for Mr. Mohamed Ismail

COMMON JUDGMENT

(delivered by R. MAHADEVAN, J.)

For the sake of better appreciation of facts, the parties are alluded to as per their rank in these appeals.

2 The facts in brief that led to the institution of these writ appeals are as under:



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2.1 The appellant in W.A.No.1410 of 2023 filed W.P. No.1013 of 2023 challenging the promotion given to one Dr. Chengalvarayan as Associate Professor from the post of Assistant Professor *vide* G.O.(D) No.1212, Health and Family Welfare (A1) Department dated 14.11.2022; and the appellants in W.A. Nos.1411 and 1412 of 2023 also filed W.P.No.1371 of 2023, challenging the promotion given to the said Dr. Chengalvarayan *vide* G.O. 1212, *supra*, and W.P. No.1373 of 2023, challenging the promotion given to Dr. Arasi, *vide* G.O. (D) No.1213, Health and Family Welfare (A1) Department dated 14.11.2022, mainly on the ground that Dr. Chengalvarayan and Dr. Arasi were below them in the Civil Medical List as Assistant Professors, but they were promoted as Associate Professors for the years 2017-18 and 2018-19 respectively.

2.2 However, the stance taken by the official respondents in the writ petitions was that apart from seniority, promotion to the post of Associate Professor requires completion of two research publications in indexed/national journal, also; but, the appellants had not completed the same within the crucial date.



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2.3 The aforesaid stance of the official respondents found favour with the learned Judge and hence, the writ petitions were dismissed *vide* common order dated 21.04.2023.

2.4 The said order of the learned Judge upholding the promotion given to Dr.Chengalvarayan and Dr. Arasi is put to challenge in these writ appeals.

3 The main contention of the learned Senior Counsel appearing for the appellants is that that the official respondents have unlawfully included the private respondents in the impugned panel by inclusion of guidelines regarding publication of alleged articles in medical magazines by way of manipulation. It is also submitted that the two articles said to have been authored and published by the private respondents, and claimed to be published in E-journals, are fake and do not satisfy the guidelines issued for publication of journals as per the National Medical Council Guidelines; without considering all these vital aspects, the learned Judge erred in dismissing the writ petitions, based mainly on the submissions made on the side of the official respondents.

4 *Per contra*, the learned Senior Counsel appearing for the private



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respondents submitted that since there were allegations of plagiarism and publications in unacceptable journals on several doctors, the second respondent had constituted a Committee, which conducted verification and filed its report dated 14.02.2023, wherein, such allegations were categorically rejected and the publications were accepted to be proper; based on the same, the candidature of the private respondents was considered for promotion to the post of Associate Professor. It is also submitted that the appellants lack the required qualifications to the post in question and therefore, the learned Judge rightly dismissed the writ petitions filed by them.

5 It is the submission of the learned Special Government Pleader appearing for the official respondents that after considering the facts and circumstances of the case, the learned Judge has rightly rejected the claim of the appellants by the order impugned herein, which does not require any interference at the hands of this court.

6 After hearing the learned counsel appearing for all the parties at length and upon perusal of the materials available on record, including the order impugned herein, this Court is of the view that the issue involved herein requires detailed consideration by delving deep into the merits.



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But, according to the learned Senior Counsel appearing for the appellants, the learned Judge, without examining the contentions/grounds raised by the parties, has dismissed the writ petitions, merely placing reliance on the submissions made on the side of the official respondents.

8 In view of the above, this Court is inclined to set aside the order passed by the learned Judge and remand the matters to the learned Judge for deciding the same afresh, which has been fairly conceded by the learned Senior Counsel appearing for all the parties.

9 Accordingly, the common order impugned herein is set aside and the matters are remanded to the learned Judge for consideration afresh, of course, after hearing all the parties, including the appellants and the private respondents, and for passing orders purely on merits and in accordance with law, as expeditiously as possible.

10 These writ appeals stand disposed of on the above terms. No costs. Connected C.M.Ps. stand closed.

[R.M.D, J.] [M.S.Q, J.]



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21.03.2024

To

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R. MAHADEVAN, J.

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MOHAMMED SHAFFIQ, J.

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Common judgment in
W.A. Nos.1410 to 1412 of 2023

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