



WEB COPY



W.A.No.2657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2657 of 2024

Dr.V.R.Selva Ambigai

.. Appellant

Vs

1.The Chairman,
Mother Theresa Post Graduate &
Research Institute of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry.

2.The Dean,
Mother Theresa Post Graduate &
Research Institute of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 8.7.2024 passed by the learned Single Judge in W.P.No.18488 of 2024.



WEB COPY



W.A.No.2657 of 2024

For the Appellant : Ms.D.Geetha
For the Respondents : Mr.S.Raveekumar
Govt. Pleader (Puducherry)

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Challenging the order of the learned Single Judge dated 8.7.2024 in W.P.No.18488 of 2024 dismissing the writ petition, the original writ petitioner has filed the present writ appeal.

2. The writ petition has been filed by the appellant for issuance of a writ of mandamus directing the first respondent to consider the representation of the appellant dated 17.5.2024.

3. Holding that the representation of the appellant cannot be considered, the learned Single Judge dismissed the writ petition. Aggrieved by the same, the appellant has filed the appeal.

4. Assailing the order of the learned Single Judge, learned counsel for the appellant submitted that the learned Single Judge, by



W.A.No.2657 of 2024

misinterpreting the facts, wrongly held that the appellant has challenged the promotion granted in favour of the other Doctors and the same is pending, hence, a direction to consider the representation is unwarranted.

5. Learned counsel for the appellant further submitted that the post in question, namely Associate Professor in Paediatrics Nursing, is a newly created post and there is no bar on the respondent authorities in considering the request of the appellant.

6. We have heard Mr.S.Raveekumar, learned Government Pleader (Puducherry) appearing for the respondents.

7. The short point that arises for consideration in this appeal is, whether a direction can be issued to the respondent authorities to consider the representation dated 17.5.2024 of the appellant seeking promotion to the post of Associate Professor in Paediatrics Nursing.

8. The learned Single Judge, while dismissing the writ petition,



W.A.No.2657 of 2024

observed that already the appellant had challenged the promotion of her junior to the post of Associate Professor and the same is pending in W.A.No.3561 of 2023 and, therefore, a direction to consider her representation need not be issued.

9. Whether or not the appellant is entitled to be considered for promotion to the post of Associate Professor in Paediatrics Nursing is to be decided by the respondent authorities based on the representation submitted by the appellant. Therefore, there is no impediment in directing the respondent authorities, more particularly, the first respondent to consider and dispose of the representation of the appellant dated 17.5.2024 on merits and in accordance with law. We make it clear that we have not gone into the merits of the matter, as the appellant had restricted his prayer only to an extent of directing the respondent authorities to consider the representation of the appellant to consider her case for promotion to the post of Associate Professor in Paediatrics Nursing.

10. Considering the limited prayer made in the appeal, without



W.A.No.2657 of 2024

going into the merits of the matter, we direct the first respondent to consider the representation of the appellant dated 17.5.2024 and pass orders on merits and in accordance with law as expeditiously as possible.

11. With the above observation, the writ appeal stands disposed of. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
02.09.2024

Index : Yes/No
NC : Yes/No
bbr

To

1.The Chairman,
Mother Theresa Post Graduate &
Research Institute of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry.

2.The Dean,
Mother Theresa Post Graduate &
Research Institute of Health Sciences,
Indira Nagar, Gorimedu,
Puducherry.



WEB COPY



W.A.No.2657 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

bbr

W.A.No.2657 of 2024

02.09.2024