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Review Application (Writ) No.177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Review Application (Writ) No.177 of 2024

- 1.The State of Tamil Nadu,
represented by its
Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Director of Medical Education and Research,
Kilpauk, Chennai - 600 010. ... Review Applicants
- Vs.
- 1.Prof.Dr.R.Manonmani, M.D., DGO
 - 2.Prof.Dr.M.Gayathiri, M.D., DGO ... Respondents

Review Application filed under Order 47 Rule 1 r/w Section 114 of the Code of Civil Procedure against the order dated 12.09.2024 made in W.P.No.26560 of 2024.

For Applicants : Mr.J.Ravindran,
Additional Advocate General
assisted by Ms.M.Sneha

For Respondents : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezian



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ORDER

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This review application has been filed to review the order passed in W.P.No.26560 of 2024, dated 12.09.2024.

2. Heard Mr.J.Ravindran, learned Additional Advocate General appearing for review applicants and Mr.G.Sankaran, learned Senior Counsel appearing for respondents.

3. The writ petition was filed by respondents herein for inclusion of their names in the 2024-2025 panel for promotion to the post of Dean consequent to the promotional counselling conducted on 26.02.2019 and in accordance with the proceedings of the second respondent dated 05.07.2024.

4. This Court, on hearing either side, disposed of the writ petition by order dated 12.09.2024 by taking note of the Government letter dated 26.06.2024 and the consequential proceedings of the Director of Medical Education and Research dated 05.07.2024. The crux of these proceedings is that even though the writ petitioners did not fulfil the requirement of completing five years as Professors, considering the delay



that had occasioned in their promotion, the period was sought to be relaxed and the names of the writ petitioners were sought to be considered for inclusion in the panel for the post of Dean.

5. This review application has been filed mainly on the ground that it was not brought to the notice of this Court that the Government had taken a policy decision not to relax the requirement of five years experience in the post of Professor for preparation of panel to the post of Dean. Thus, a ground has been taken in the review application to the effect that the policy decision taken by the Government virtually makes the Government letter dated 26.06.2024 and the consequential proceedings of the Director of Medical Education and Research dated 05.07.2024, inoperative.

6. Learned Additional Advocate General, in order to substantiate the grounds raised in the review application, also circulated the 'Note File' containing the decision taken by the Government and it has been signed by the concerned authority on 02.09.2024.



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N.ANAND VENKATESH, J

gm

7. The relief was granted to the writ petitioners only by relying upon the Government letter dated 26.06.2024 and the consequential proceedings of the Director of Medical Education and Research dated 05.07.2024. If these proceedings are set at naught by the policy decision taken by the Government, then the relief cannot be granted to the writ petitioners based on these proceedings. The matter has to be heard on merits and appropriate orders must be passed in the writ petition.

8. In the light of the above discussion, this review application is allowed and the order passed in W.P.No.26560 of 2024, dated 12.09.2024 is recalled. As a consequence, the writ petition is restored to file to be heard on merits. No costs.

Post W.P.No.26560 of 2024 for hearing on 16.10.2024 at the end of the motion list.

30.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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