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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Rev.App.Nos.189 & 190 of 2024
in W.P.Nos.16746 & 26876 of 2024

Dr.K.Hemalatha

... Applicant
in both petitions

Vs.

1.Dr.S.P.Subahan

2.The State of Tamil Nadu,
represented by its
Additional Chief Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.

3.The Director of Medical Education & Research,
Kilpauk, Chennai - 600 010.

4.Dr.K.Malathi

... Respondents
in both petitions

Prayer : Review Petitions filed under Order 47 Rule 1 r/w Section 117 of C.P.C., to
review the judgment in W.P.Nos.16746 and 26876 of 2024 dated 18.09.2024.



For Applicant : Mr.V.Vijayashankar

For Respondents : Mr.G.Sankaran
Senior Counsel for
Mr.S.Nedunchezhiyan for R1

Mr.M.Bindran
Additional Government Pleader
for R2 to R4

ORDER

Mr.G.Sankaran, learned Senior Counsel appears for Mr.S.Nedunchezhiyan,
learned counsel takes notice on behalf of the 1st respondent.

2.Mr.M.Bindran, learned Additional Government Pleader takes notice on
behalf of respondents 2 to 4.

3.These review applications have been filed by the third party viz.,
Dr.K.Hemalatha only with respect to the observation that was made by this Court
at Paragraph No.23 of the order passed in the writ petition.



4. In the considered view of this Court, the following observation made at Paragraph No.23 of the order will cause confusion and such observation is not required to decide the main dispute in the writ petition.

“This confusion must be resolved only by the second respondent and the station seniority of third respondent must be determined accordingly by considering her earlier transfer and posting at Stanley Medical College, Chennai.”

5. Ultimately, this Court has held that the ball is now in the court of the Director of Medical Education and Research and it is for that authority to resolve the issue that was entirely created by him, as per the Rules.

6. In view of the above, the above observation shall stand deleted from the order passed in W.P.Nos.16746 & 26876 of 2024 dated 18.09.2024. For more specificity Paragraph No.23 of the order shall read as follows:

23. The upshot of the above discussion is that the second respondent ought to have notified the post of Assistant Professor (Pharmacology) at Government Medical College, Pudukkottai, as vacant during the transfer counselling that took place pursuant to the circular



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dated 14.06.2024 and consequently, there shall be a direction to the second respondent to declare the post of Assistant Professor (Pharmacology) at Government Medical College, Pudukkottai, as vacant and conduct transfer counselling by permitting the petitioner and other eligible persons to participate in the transfer counselling in order to fill up the post of Assistant Professor (Pharmacology). The confusion that has arisen with respect to the station seniority of third respondent, is a situation, which was created by second respondent by passing parallel orders on the same day to retain the third respondent at Chennai. This Court does not want to stir up a hornet's nest by interfering with the entire transfer counselling held during June 2024 Phase I and Phase II and wants to keep the damage at the minimum and try to find a solution. The ball is now in the court of the second respondent to resolve the issue entirely created by him.

5. These review applications are disposed of in the above terms.

19.10.2024

Internet : Yes / No
Index : Yes / No
Speaking Order / Non Speaking Order
ssr



To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Medical Education & Research,
Kilpauk, Chennai - 600 010.



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N. ANAND VENKATESH, J.

SSR

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