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W.P.No.33704 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33704 of 2024 and
W.M.P.No.36493 of 2024

Dr. V.M. Karthi

...Petitioner

Vs

1. The Additional Chief Secretary to Government,
Health, Medical Education and Family Welfare,
Govt. of Tamil Nadu Secretariat, Chennai – 600 009.

2. The Director of Medical Education and Research,
Kilpauk, Chennai – 10.

3. The Dean,
Government Erode Medical College and Hospital,
Preundurai – 638 053.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second Respondents to consider the name of the petitioner for promotion to the post of Professor (anaesthesiology) in the 3rd Respondent institute in view of the G.O.Ms.No.81 dated 14.03.2024, Health Medical Education,



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Family Welfare Department by considering the representation dated 18.10.2024, within stipulated time fixed by this Court and pass orders.

For Petitioner : Mr. K. Sathish Kumar

For Respondents : Mrs.M. Sneha,

Special counsel for Health
and Family Welfare Department

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition to issue a Writ of Mandamus directing the first and second Respondents to consider the name of the petitioner for promotion to the post of Professor (anaesthesiology) in the 3rd Respondent institute in view of the G.O.Ms.No.81 dated 14.03.2024, Health Medical Education, Family Welfare Department by considering the representation dated 18.10.2024, within stipulated time fixed by this Court.



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3. The facts of the case are that the petitioner is working as Associate Professor in the Department of Anaesthesiology at Vellammal Medical College and research institute, Madurai. It is stated that the second respondent/Directorate of Medical Education and Research issued a circular to the 3rd respondent college for preparation of panel for the post of professor for the year 2024-2025 and fixed a eligible criteria for the said post. The petitioner possess all the eligible criteria for the said post. Whiles, the second respondent vide circular Reference No.87271-E1/5/2024 dated 22.10.2024 informed the various Government Medical College offering online transfer counselling for the post of Professor for the year 2024, including the 3rd respondent college in the common pool. The grievance of the petitioner is that the 3rd respondent unit should be treated as seperate unit till the retirement of last employee among the 317 employees(including medical officers) as per the G.O.Ms.No.81 dated 14.03.2024 and any vacancy arose either by retirement or promotion the respondents are bound to fill up the post from the eligible persons working within the institution. Hence, he has give a representation to the second respondent on 18.10.2024 and prays this Court to consider the same while filling up the vacancy.



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4.The learned counsel for the petitioner submitted that the 3rd respondent college have one eligible vacant post for the post of profession (anaesthesiology) and the petitioner is the senior most eligible candidate to get the promotion. He further submitted that if the respondent wrongfully include the said post in the common pool petitioner's promotion will be affected. Hence, prays to allow this petition.

5. The learned Special Counsel appearing for the first respondent accedes to the submission made by the learned counsel for the petitioner and submitted that they will exclude the vacancy from the common pool and the eligible candidate will be selected only among the 317 employees(including medical officers).

6.Considering the facts of the case, this Court without expressing any opinion on the merits of the case directs the respondents to consider the representation of the petitioner dated 18.10.2024 as per the G.O.Ms.No.81 dated 14.03.2024 before issuing orders pertaining to transfer and promotion.



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7. With the above directions, this Writ Petition stands disposed of.

No order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To

1. The Managing Director,
1. The Additional Chief Secretary to Government,
Health, Medical Education and Family Welfare,
Govt. of Tamil Nadu Secretariat, Chennai – 600 009.
2. The Director of Medical Education and Research,
Kilpauk, Chennai – 10.
3. The Dean,
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