



W.P.(MD)No.22790 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR
W.P.(MD)No.22790 of 2024
and WMP(MD).Nos.19310, 19311 &19313 of 2024

Dr.J.Ashok
Lecturer (Homeopathy)
Government Homeopathy Medical College and Hospital
Thirumangalam
Madurai District

... Petitioner

vs.

1.The State of Tamil Nadu
Represented by its Additional Chief Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai – 5

2.The Director
Directorate of Indian Medicine and Homeopathy
Arumbakkam
Chennai 106

3.The Principal
Government Homeopathy Medical College and Hospital
Thirumangalam
Madurai District



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4.Dr.S.Ariharan

Professor

Government Homeopathy Medical College and Hospital

Thirumangalam

Madurai District

5.Dr.S.Sandanaraj

Professor

Government Homeopathy Medical College and Hospital

Thirumangalam

Madurai District

6.Dr.M.Jothimani

Professor

Government Homeopathy Medical College and Hospital

Thirumangalam

Madurai District

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of promotion issued in Government Order in G.O(D).No.959, Health and Family Welfare (IM1-1) Department, dated 04.09.2024 as well as the impugned college order passed by the third respondent in his proceedings in O.O.No.42/E/2024 dated 19.09.2024 and quash the both insofar as granting promotion to the respondents 4 to 6 as illegal and arbitrary and consequently direct the respondents 1 and 2 to promote the petitioner as professor for the year 2023-2024 on par with his batch-mates with all service and monetary benefits as per the seniority list issued by the first respondent in G.O.(2D).No.19, Health and Family Welfare (IM1-1) Department,



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dated 12.03.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R3

ORDER

The instant writ petition has been filed by a Lecturer working in the third respondent College challenging an order of promotion granted in favour of the respondents 4 to 6 by way of proceedings dated 04.09.2024.

2.A perusal of record indicates that the regular panel for being promoted as Professor (Homeopathy) from the feeder category of Lecturer for the year 2023-2024 was prepared and published under G.O.(2D).No.19, Health and Family Welfare (IM1-1) Department, dated 12.03.2024. As per the said Government Order, the petitioner is placed under Serial No.3 in the seniority rank. The respondents 4 to 6 are arrayed as Serial Nos.4 to 6 in the said panel. The said Government Order further reveals that the petitioner is undergoing post-graduate studies as service candidate.

3.The Government of Tamil Nadu in G.O(D).No.959 Health and Family Welfare (IM1-1) Department dated 04.09.2024 issued a promotion and posting



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order to the post of Professor (Homeopathy). A perusal of the said promotion order reveals that the respondents 4 to 6 herein, who are juniors to the writ petitioner as per the panel, have been promoted and given posting orders. Hence, the present writ petition has been filed.

4. According to the learned counsel appearing for the writ petitioner, the name of the petitioner is found in Serial No.3 in the panel for the year 2023-2024 and without assigning any reason whatsoever he has been excluded from the promotion and posting order dated 04.09.2024. Hence, he prayed for quashing the said promotion as against the private respondents 4 to 6.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 has received a written instruction from the second respondent herein, in which Paragraph No.6 of the written instruction is extracted as follows:

“6. The petitioner is now pursuing P.G. studies in M.D(H) as service candidate and he will complete his P.G. studies only on 01.03.2025. So, the proposal for the petitioner's posting order will be submitted to the Government on completion of his studies. The seniority number to the petitioner was already fixed by the Government in the G.O(D).No.19, Health and Family Welfare Department, dated 12.03.2024 by approving the panel year for 2023-2024 for the post of Professor (Homeopathy) as 3.”



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6.In view of the above said written instructions, it is clear that as and when the writ petitioner completes his post-graduate studies, he would be promoted and given posting order and his seniority would be restored as Serial No.3 ahead of the respondents 4 to 6.

7.In view of the above said deliberations, no further adjudication is called for. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions closed.

03.10.2024

Intex : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

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