



W.P.No.3786 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.3786 of 2025
and W.M.P.No.4203 of 2025

Dr.S.Saravanan

... Petitioner

Vs.

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

2. The Director of Medical Education & Research,
Kilpauk, Chennai – 600 010.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the respondents to allow the petitioner to get transfer and posting based on the special online transfer counselling as per circular issued by the second respondent in Ref.No.001985/E3/1/2025 dated 28.01.2025 in consideration of the application submitted by the petitioner in the prescribed format dated 30.01.2025 in accordance with station seniority and in compliance of National Medical Commission Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022, forthwith, followed by the representation submitted by the petitioner dated 29.01.2025.



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For Petitioner : Mr.S.Nedunchezhiyan
For R1 : Mrs.M.Sneha
Standing Counsel
for Health and Family Welfare

ORDER

Heard Mr.S.Nedunchezhiyan, the learned counsel for the Petitioner and Mrs.M.Sneha, the learned Standing Counsel for the first respondent.

2. The petitioner has filed this writ petition to direct the respondents to allow the petitioner to get transfer and posting based on the special online transfer counselling as per circular issued by the second respondent in Ref.No.001985/E3/1/2025 dated 28.01.2025 in accordance with station seniority and in compliance of National Medical Commission Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022.

3. Mr.S.Nedunchezhiyan, the learned counsel for the petitioner, submitted that the petitioner pursued degrees in M.Sc., Physiology and Ph.D., Physiology and he has been appointed as 'Tutor' in Physiology at Government Medical College, Chengalpattu. But in the transfer counselling held for Tutors only Medical Officers who have obtained PG Degree (MD/MS/DMB/MDS) alone are accepted to be eligible to attend the transfer

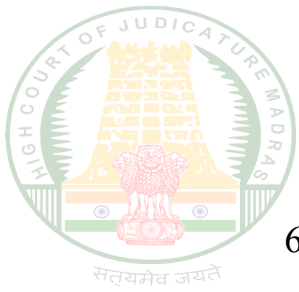


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counselling but the petitioner was denied to participate in the transfer counselling. Hence, the petitioner has filed this writ petition seeking direction to the respondent to allow the petitioner also to participate in the transfer counselling.

4. Mrs.M.Sneha, the learned Standing Counsel for the first respondent, submitted that the transfer counselling is only meant for Medical Officers with broad specialties and the petitioner who is not a Medical Officer cannot claim to stand on par with them and seek direction to allow him to participate in the counselling.

5. The fact remains that the petitioner has been given with the post of 'Tutor' (Physiology) despite he was not a Medical Officer in the fit definition of the term "Medical Officer". It is learnt that earlier 15 to 30% of candidates who have similar qualification as that of the petitioner were also considered to be appointed as 'Tutors' and later their practise has been taken away and now the Medical Officers alone occupy the field by virtue of National Medical Commission Regulations.



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6. Whatever may be the present state of affairs the fact remains that

the petitioner is an old appointee to the post of 'Tutor' in Physiology in Medical College. Since the petitioner also stands on par with the Medical Officers who also occupy similar post, the conselling notification ought to have been issued by including those persons like the petitioner to participate in the counselling. However, the petitioner has not challenged the counselling notification but he has sought only direction.

7. As per the information now furnished by the learned Standing Counsel for the first respondent, the counselling is said to be over and hence the interim order as sought by the petitioner cannot serve any purpose. However, it is open to the petitioner to amend the relief he sought in the writ petition in view of the changed circumstances. It is also open to the petitioner to give a request to the second respondent to conduct a transfer counselling for persons similar to him and in that event there is a possibility that the respondents might consider.

8. In fitness of things it would have been appropriate had the Government come out with a plan to accommodate the persons similar to that of the petitioner in transfer counselling depending upon the percentage



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of their cadre strength across the street and offer them an opportunity to get placed anywhere else without stagnation in one and the same place for several years.

9. In view of the above stated reasons, this writ petition is disposed by giving liberty to the petitioner to give a representation to the respondents to consider his request to conduct the transfer counselling to persons similarly placed as that of the petitioner in order to ensure a little mobility from the place where they have been stagnated for years and on such representation, the respondents shall consider and pass appropriate orders by taking into account of the percentage / cadre strength of such persons occupying the post of 'Tutors' across the State or devise an appropriate scheme, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

04.02.2025

Index : Yes / No
Neutral citation : Yes / No
Speaking Order / Non Speaking order
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R.N.MANJULA, J.

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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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