



WEB COPY



W.P.No.13753 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13753 of 2023
and
WMP.No.17097 of 2020

K.Nalina Saraswathi

... Petitioner

vs.

1. The State of Tamilnadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
2. The Director,
The Directorate of Indian Medicine &
Homeopathy, Chennai 600 106.
3. The Tamilnadu Public Service Commission,
Rep.by its Chairman,
Tamil nad Pubic Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai 600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in connection with the order passed by his



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in proceedings in Ref.No.5529/E1/1/2020 dated 16.06.2020 and quash the same to the extent of the petitioner only and direct the respondents 1 and 2 to notify the placement of the candidates in the post of Assistant Lecturer (Siddha) on the basis of the marks scored by them at the time of selection to the post of Assistant Medical Officer (Siddha), for further promotion to the post of Lecturer (Siddha) at Government Siddha Medical Colleges irrespective of the appointment placement fixed as per the roster and reservations in view of the order passed by the Hon'ble Apex Court in Bimlesh Tanwar vs. State of Haryana reported in AIR 2003 Supreme Court, 2000 = (2003) 5 SCC which was followed by this Court in Dr.A.Balamurugan case in W.P(MD)No.19201 of 2015 order dated 26.10.2015 and P.Shanmugapriya's case in W.P.No.2064 of 2012 order dated 11.03.2014.

For Petitioner : Mr.R.Sangaravelan
for M/s.M.Rajamani

For R1 & R2 : Mr.C.Tippu Sulthan
Govt.Advocate

For R3 : Mr.R.Bharanidharan
Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned order dated 16.06.2020 and quash the same and for a direction to the respondents 1 and 2 to notify the placement of the candidates in the post of



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Assistant Lecturer (Siddha) on the basis of the marks scored by them at the time of selection to the post of Assistant Medical Officer (Siddha), for further promotion to the post of Lecturer (Siddha) at Government Siddha Medical Colleges irrespective of the appointment placement fixed as per the roster and reservations in view of the order passed by the Hon'ble Apex Court which was followed by this Court.

2. The case of the petitioner is that he was appointed as Assistant Lecturer, Govt.Siddha Medical College, Palayamkottai with the qualification of BSMS through the Tamil Nadu Public Service Commission and she joined service with effect from 22.07.2000. She belongs to backward community and scored 687.92 out of 910 marks. On the basis of the above marks, she was given appointment on merits treating the petitioner under OC category. She was allotted 62nd place in the selection list of candidates against the OC vacancy as per the roster. As per the marks scored by the petitioner comparing to the marks scored by all the candidates of different categories and communities, the petitioner should have been allotted 18th placement in the selection list of candidates as the first 4 places were allotted to the backlog vacancies of



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SC Category and one to the MBC. The second respondent has issued a proposed notification for preparing a panel for further promotion to the post of Lecturer (Siddha) and in that notification she was placed at Sl.No.37 though she had scored 687.92 out of 910 marks on merits. Thereafter, the petitioner had made a representation dated 03.09.2020 to the respondents requesting them to consider her case and fix her seniority in appropriate place on the basis of the marks obtained by her at the time of selection to the post of Assistant Medial Officer (Siddha) and the same was not considered. Hence, the petitioner has filed the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that as per Judgment of the Hon'ble Apex Court in ***Bimlesh Tanwar vs. State of Haryana*** reported in AIR 2003 Supreme Court, 2000 = (2003) 5 SCC which was followed by this Court in Dr.A.Balamurugan case in W.P(MD)No.19201 of 2015 order dated 26.10.2015 and P.Shanmugapriya's case in W.P.No.2064 of 2012 order dated 11.03.2014, the rank must be fixed only based on the seniority. Therefore, the impugned order passed by the first respondent is liable to be set aside.



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4. The learned Government Advocate appearing for the respondents 1 and 2 submitted that he has no objection for the above said submissions made by the learned Senior Counsel appearing for the petitioner.

5. Heard the leaned counsel on either side and also perused the materials available on record.

6. Without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 03.09.2020, on merits, in accordance with law and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.

7. This writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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J.SATHYA NARAYANA PRASAD, J.

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To

The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.

2. The Director,
The Directorate of Indian Medicine &
Homeopathy, Chennai 600 106.
3. The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai 600 003.

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