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W.P.No.28758 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.08.2025**

**CORAM  
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.P.No.28758 of 2025  
and  
W.M.P.No.32209 of 2025**

Dr.R.Rajkumar

... Petitioner

Vs.

1. The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,  
DMS Campus,  
Teynampet, Chennai - 600 006.
3. The District Health Officer,  
Cuddalore District,  
Cuddalore.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in R.No. 038471/ PHC3/ A2/ 2019 dated 04.04.2025 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in service and with all consequential benefits.



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For Petitioner : Mr.J.Pradeep

For Respondents : Mr.K.Tippu Sultan  
Government Advocate

### **ORDER**

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

2. The instant writ petition has been filed challenging the proceedings issued by the 2nd respondent dated 04.04.2025, in and by which, the petitioner was dismissed from service.

3. The case of the petitioner is that, he was appointed as Assistant Surgeon on 04.09.2015 in the respondent Department. While so, in the year 2021, a criminal case was registered against the petitioner. After completion of trial, he was convicted by the learned Judicial Magistrate No.II, Virudhachalam vide order dated 23.10.2024. Aggrieved by the said conviction, the petitioner filed a Criminal Appeal No.72 of 2024 before the Additional District Judge III, Virudhachalam and the learned Judge has suspended the sentence. However, the appeal was kept pending for arguments. Pending the appeal, the 2nd respondent has issued the impugned



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dismissal order to the petitioner vide proceedings dated 04.04.2025. Hence challenging the said dismissal order, the petitioner has come before this Court.

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4. Learned Government Advocate appearing for the respondents would submit that the petitioner has got appellate remedy before the 1<sup>st</sup> respondent. Therefore, he would further submit that, without exhausting the appellate remedy, the petitioner has come before this Court.

5. It is well settled principle of law that, whenever alternate remedy is available, the question of filing writ petition is only under the exceptional circumstances, where the fundamental right of the individual is affected or when the impugned order has been passed by an incompetent Authority or when such order has been passed in violation of principles of natural justice. But in the case in hand the above factor are not the basis to file this writ petition.

6. Therefore, this Court deems it appropriate to direct the petitioner to file an appeal before the appellate Authority, within a period of four (4)



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weeks from the date of receipt of a copy of this order. If any such appeal is filed, the 1<sup>st</sup> respondent is directed to dispose of the same, on it's own merits and in accordance with law within a period of twelve weeks, from the date of filing of such appeal.

7. In the result, the Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

**06.08.2025**

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,  
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**C.KUMARAPPAN, J.**

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