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WP.No.31188 of 2024

In the High Court of Judicature at Madras

Reserved on 07.3.2025	Delivered on : 14.3.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.31188 of 2024
& WMP.Nos.33827 to 33829 of 2024 &
7423 & 7424 of 2025

Dr.Priya Pasupathy

...Petitioner

Vs

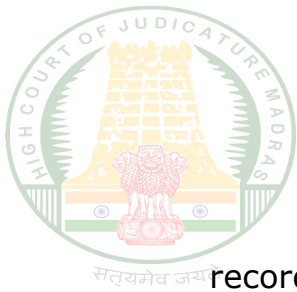
1.The State of Tamil Nadu, rep.
 by the Additional Chief Secretary
 to Government, Health &
 Family Welfare (A) Department,
 Fort St.George, Secretariat,
 Chennai-9.

2.The Directorate of Medical
 Education & Research,
 Kilpauk, Chennai-10.

3.The Dean, Madras Medical
 College & Rajiv Gandhi
 Government General Hospital,
 EVR Periyar Salai, Chennai.

...Respondents

PETITION under Article 226 of The Constitution of India praying
 for the issuance of a Writ of Certiorarified Mandamus to call for the



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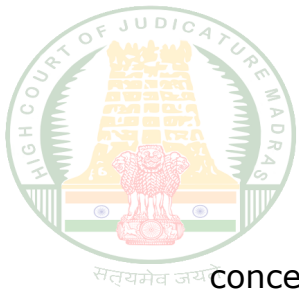
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records of the 1st respondent in GO (D) No.1037 Health and Family Welfare (A1) Department dated 01.10.2024 in so far as it does not include the petitioner's name in the panel for the post of Dean in Government Medical Colleges for the year 2024-25 and the consequential order of the first respondent in Letter No.8821466/A1/2024-2 dated 17.2.2025, which was communicated to the petitioner by the second respondent, quash the same as being illegal and unsustainable in law and for a consequential direction to the respondents to include the petitioner's name in panel for the post of Dean in Government Medical Colleges for the year 2024-25 **(prayer amended vide order dated 07.3.2025 in WMP.No.7421 of 2025 by NAVJ).**

For Petitioner : Mrs.Kavitha Rameshwar
For Respondents : Mrs.Sneha, Special Counsel

ORDER

This writ petition has been filed challenging the two proceedings of the first respondent in G.O.(D) No.1037 dated 01.10.2024 in so far as not including the name of the petitioner in the panel to the post of Dean in the Government Medical Colleges for the year 2024-25 is



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concerned and the consequential order dated 17.2.2025 and for a direction to the respondents to include the name of the petitioner in the panel to the post of Dean in the Government Medical Colleges for the year 2024-25.

2. Heard the learned counsel for the petitioner and the learned Special Counsel appearing for the respondents.

3. When the matter came up for hearing on 29.10.2024, this Court passed the following order :

"The main ground on which the petitioner was not considered for promotion to the post of Dean is that the petitioner did not have the administrative experience of one year prescribed in G.O.Ms.No.238, dated 23.07.2004.

2. The learned counsel for the petitioner brought to the notice of this Court paragraph No.3 of the affidavit filed in support of the writ petition, where the petitioner has explained the posts held by her which perfectly fulfills the one year administrative experience as provided in the Government Order.

3. In the counter affidavit filed by the 2nd respondent, paragraph No.3 of the affidavit filed in



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support of the writ petition has been denied / controverted at paragraph No.5 of the counter affidavit, which is as follows:

'5. It is submitted respectfully that as per the conditions stipulated in the special rules mentioned in para-3 above, among others, the petitioner should have Administrative Experience for a period of not less than one year either separately or combined in any of the posts in Tamil Nadu Medical Service as indicated in para 3(a) to (i) above under the heading of Administrative Experience for appointment to the post of Dean in Government Medical College and Hospitals. But, the petitioner had served as Chief Warden at Madras Medical College, Chennai only for a period of 09 months and 19 days i.e. from 21.08.2020 to 08.06.2021 not for a period of 10 months and 6 days as stated by the petitioner in para-3 of the affidavit. Further, the another two posts namely Director in charge and Deputy Warden said to have been assumed by the petitioner as Administrative post from 01.05.2020 to 18.08.2020 & 01.08.2011 to 31.07.2013 respectively, in para-3 of the Affidavit, are not included in the Special Rules indicated in (a) to (i) of para-3 under the heading of Administrative Experience. Hence, the period of services rendered by the petitioner in the said posts cannot be considered as Administrative



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Experience for inclusion of her name in the panel for the post of Dean in Tamil Nadu Medical Services. As one post of Director and Professor has already been sanctioned to the Department of Community Medicine attached to Madras Medical College, Chennai and Dr.K.C.Seran, who is officially holding the said post from 05.07.2023 to till now as Head of the Department, the statement of the petitioner that she assumed the HOD of Community Medicine from 05.07.2023 till 15.03.2024 is not correct and also not acceptable. On perusal of the available records it is found that no such order was issued to her by the appropriate authorities.'

4. The stand that has been taken in the counter affidavit is that the petitioner has served as Chief Warden at Madras Medical College only for 9 months and 19 days from 21.08.2020 to 08.06.2021. Apart from this experience, the petitioner does not possess any other administrative experience as is required in the relevant Government Order.

5. The bone of contention pertains to the petitioner holding the position of Head of the Department of Community Medicine for the period from 05.07.2023 till date. In paragraph No.3 of the counter affidavit, the 2nd respondent has denied the fact that the petitioner is functioning as Head



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of the Department of Community Medicine. Some clarification is required in this regard and the learned Special Counsel appearing for the respondents seeks for some time to take instructions.

6. Post this case at the end of the motion list on 30.10.2024."

4. When the case was once again listed on 30.10.2024 for hearing, this Court passed the following order :

"The matter is listed for hearing today.

2. Learned Special Counsel appearing on behalf of the respondents submitted that the decision was taken only based on the details that were furnished by the Dean. In view of various ground that have now been raised by the petitioner, the same will be considered while dealing with the objection that has been submitted by the petitioner through representation dated 05.10.2024 pursuant to the publication of the panel through proceedings dated 01.10.2024.

3. Learned counsel for petitioner filed an additional affidavit of the petitioner today. The relevant portions are extracted hereunder:

'4. I submit that in the records of the MMC as submitted to the National Medical Commission, I have been showed as HoD/Director for the



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Department/Institute of Community Medicine in Madras Medical College from 05.07.2023 till date. This is primarily because the present incumbent in the office of the HoD/Director in the Department/ Institute of Community Medicine, Dr.K.C.Seran is not technically qualified to the post as he does not possess the post-graduation qualification, which is one of the essential qualifications to be a professor and only a professor can be appointed as HoD/Director as per the NMC norms/Regulations that prescribe the teachers eligibility qualifications, and also as per GO [4D] No.2 Health and Family Welfare [A1] Department dated 15.02.2019 and GO Ms.No.226 Health and Family Welfare Department dated 10.10.2013 which states that only the senior most professor can be the HoD.

5. I submit that all practical purposes where the signature of the HoD is required to endorse the availability of faculty members in order to receive the recognition, sanction and renewal of MBBS and PG seats in the Department of Community Medicine in the Madras Medical College, I have signed as the HoD. On the strength of my signature as HoD, as many as 20 PG seats and 250 MBBS seats have been recognized and renewed. Therefore it is an undisputed position that Dr.K.C.Seran is officially the HoD but not entitled to legally function as such and that as such I have



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been functioning as HoD since 05.07.2023.

6. I submit that I did not state my credentials as HoD in the experience details while I submitted my application as Dean as it is a part of the records as well as within the internal knowledge of the DME, and also because this is in addition to my already existing administrative experience of more than one year. Further in order to avoid any embarrassment to the present incumbent, I did not state these details in the affidavit filed in the support of the writ petition. However, since the respondents are questioning my administrative experience, and also because the impugned order did not include me in the panel for the post of Dean for the year 2024-2025, I have mentioned these particulars in my objection/appeal dated 10.10.2024, and it is in these circumstances that I am filing this additional affidavit in the above writ petition.'

4. This Court wants to await the decision that is going to be taken by the Government on the objections submitted by the petitioner. Based on the same, further orders can be passed by this Court.

5. Post this writ petition under the caption 'for passing further orders'.

Learned counsel on either side submitted that the matter can be continued to be heard by



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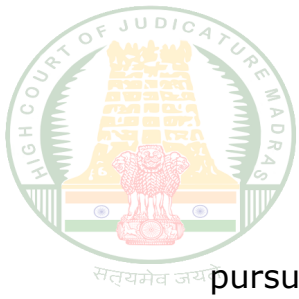


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me since substantial submissions have already been placed before this Court. A Joint Memo shall be filed before the Registry and the Registry shall place the same before My Lord The Honourable Chief Justice. After getting appropriate orders, the writ petition shall be posted for hearing before me."

5. Pursuant to the above, orders, the objections submitted by the petitioner were considered by the first respondent and the proceedings dated 17.2.2025 came to be issued, as per which, the first respondent clarified that the petitioner completed five years as a Professor in the Department of Community Medicine as on the crucial date namely 15.3.2024, that however, the petitioner was not qualified for the administrative experience for a period of one year as on 15.3.2024 and that therefore, the name of the petitioner could not be included in the panel for the year 2024-25 to the post of Dean in the Government Medical Colleges.

6. In the light of the said proceedings of the first respondent, the only issue that requires consideration of this Court is as to whether the petitioner possesses one year administrative experience as is required



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pursuant to the amendment introduced to the Special Rules for Tamil Nadu Medical Service vide G.O.Ms.No.238 dated 23.7.2004.

7. The learned counsel for the petitioner submitted as follows :

(i) As per the Notification of the National Medical Commission (NMC) dated 14.2.2022, what is prescribed is only five years experience as a Professor and the Special Rules brought forth by the respondents prescribed an additional qualification of one year administrative experience. Though the petitioner has not challenged the said amendment introduced to the Special Rules, she satisfies that requirement also.

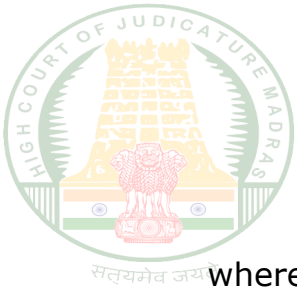
(ii) In order to substantiate her submission, she relied upon the materials available for the contention that the petitioner worked

(a) as a as a Director, In-charge, Institute of Community Medicine, Madras Medical College (MMC) from 01.5.2020 to 18.8.2020;

(b) as a Chief Warden of the Women's Hostel in the MMC from 03.8.2020 to 09.6.2021;

(c) as a Deputy Warden of the Ladies Hostel, Kilpauk Medical College from 01.8.2011 to 31.7.2013; and

(d) as the Head of the Department (HOD) of Community Medicine at the MMC from 05.7.2023 till 30.10.2024,



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whereby one Dr.K.C.Seran was relieved and in his place, one Dr.R.Senthilkumar was appointed as In-charge of the Director and Professor of Community Medicine in spite of the fact that the petitioner is the senior most Professor in the Department concerned both as per the Civil Medical List (CML) as well as the professor panel seniority list.

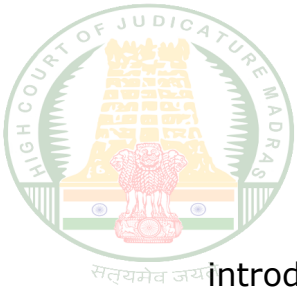
(iii) This issue is independently agitated in W.P.No.36063 of 2024, which is still pending.

(iv) Even as on the crucial date namely 15.3.2024, the petitioner had more than one year of administrative experience.

8. On the contrary, the learned Special Counsel appearing for the respondents submitted as follows :

(i) The Department of Community Medicine was transferred to the Directorate of Medical Education only in the year 1998 and the posts of Director and Professor are sanctioned posts. Only, the Director can be considered as the HOD of the Department of Community Medicine and such appointment is made by passing a Government Order.

(ii) To substantiate her submission, she relied upon G.O.Ms.No. 427 dated 21.11.2003. She also relied upon the amendment



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introduced to the Special Rules for Tamil Nadu Medical Service vide G.O.Ms.No.238 dated 23.7.2004 wherein Clause (iii) of Class I, Category 13 - Dean of Medical Colleges is extracted as hereunder :

"(iii) Experience for a period of not less than one year either separately or combine in any of the following posts in Tamil Nadu Medical Service namely

- (a) Head of the Departments*
- (b) Vice Principal of Medical Colleges*
- (c) Registrar of Medical University*
- (d) Deputy Director of Medical Education in the Director of Medical Education;*
- (e) Superintendent (or) Deputy Superintendent Government Hospital;*
- (f) Resident Medical Officer (or) Assistant Resident Medical Officers*
- (g) Warden of Teaching Medical Institutions*
- (h) Medical Officer in-charge of Government Hospital*
- (i) Vigilance Officer."*

(iii) The petitioner possesses administrative experience to the extent of 9 months and 19 days from 21.8.2020 to 08.6.2021 when the petitioner served as the Chief Warden at the MMC, Chennai. According to her, all the other posts held by the petitioner do not satisfy the requirement introduced by way of amendment to the



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Special Rules.

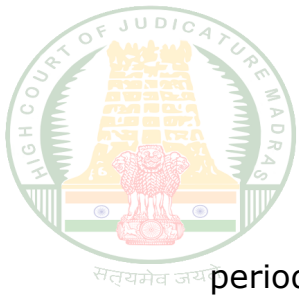
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(iv) She also pointed out to the impugned proceedings of the first respondent dated 17.2.2025 and justified the same stating that as on the crucial date, the petitioner did not have one year administrative experience.

9. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned orders.

10. On a careful reading of the amendment introduced to the Special Rules vide G.O.Ms.No.238 dated 23.7.2004, it talks about the administrative experience in certain positions as enumerated from Sub-Clauses (a) to (i) in Clause (iii) of Class I, Category 13 - Dean of Medical Colleges. Out of the various heads provided under the said Clause, the first respondent has taken into consideration only the period, during which, the petitioner served as the Chief Warden at the MMC, Chennai from 21.8.2020 to 08.6.2021.

11. It is explicit that the first respondent has not recognized the



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period, during which, the petitioner had functioned as the HOD since, according to the first respondent, only the Director alone can be considered to be the HOD of Community Medicine.

12. The petitioner claims that she acted as the Director, In-charge for the period from 01.5.2020 to 18.8.2020 and also as the HOD from 05.7.2023 to 30.10.2024 (the cut off date being 15.3.2024).

13. In the considered view of this Court, the records produced by the MMC would reveal that in all the records submitted by the MMC to the NMC, the petitioner has been shown as the HOD/Director of Community Medicine Department from 05.7.2023 onwards. For all practical purposes, wherever the signature of the HOD is required to endorse the availability of the faculty members in order to receive recognition, sanction and renewal of MBBS and PG seats in the Department of Community Medicine in the MMC, the petitioner alone signed as the HOD. On the strength of such signature subscribed by the petitioner as the HOD, the necessary recognition and the renewal had taken place.

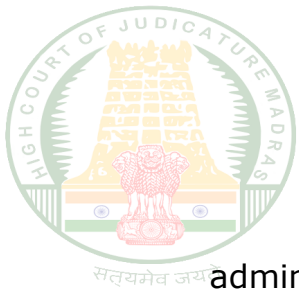


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14. The respondents wanted the services of the petitioner to act as the HOD or the Director, In-charge, whenever they wanted the recognition and the renewal and the petitioner also subscribed her signature in each and every document starting from 05.7.2023. But, while considering the administrative experience of the petitioner, her name has been dropped like a hot potato and the respondents are turning around and coming up with a hyper technical stand that the petitioner holding the in-charge position cannot be taken into consideration and counted towards administrative experience. If this stand of the respondents is taken to its logical conclusion, then the recognition and the renewal that were obtained from the NMC based on the signature subscribed by the petitioner as the HOD will become questionable. It would mean that such recognition and renewal have been obtained by portraying an unqualified person as the HOD before the NMC.

15. The respondents have virtually used the services of the petitioner as the HOD whenever it is favourable to them and are denying her position as the HOD when it comes to recognizing her



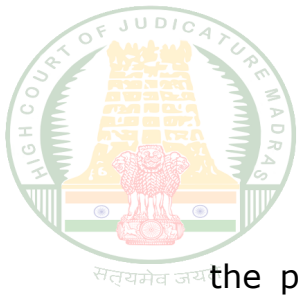
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administrative experience. Such a stand taken by the respondents is quite unfortunate and cannot at all be entertained by this Court.

16. The amendment introduced to the Special Rules for Tamil Nadu Medical Service prescribes for one year administrative experience by recognizing certain positions. If a person has gained that experience by assuming those positions individually or cumulatively, obviously it goes into the experience of that person and he cannot be rejected on hyper technicalities. This Court holds that the petitioner had experience as the HOD for 8 months and 10 days as on 15.3.2024 and the petitioner was also acting as the Director, In-charge from 01.5.2020 to 18.8.2020, which period must also be counted towards total administrative experience. If this is done, the petitioner obviously has fulfilled the requirement of one year administrative experience as was prescribed in the amendment introduced to the Special Rules.

17. In the light of the above discussions, this Court is inclined to interfere with the impugned Government Order passed by the first respondent in G.O.(D) No.1037 dated 01.10.2024 in so far as the non inclusion of the petitioner's name in the panel for the year 2024-25 to



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the post of Dean in the Government Medical Colleges is concerned.

This Court is also inclined to interfere with the proceedings of the first respondent dated 17.2.2025.

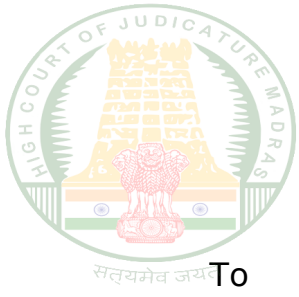
18. For the foregoing reasons, the writ petition is allowed, the impugned orders of the first respondent namely (i) G.O.(D) No.1037 Health and Family Welfare (A1) Department dated 01.10.2024 in so far as not including the petitioner's name is concerned and (ii) Letter No.8821466/A1/2024-2 dated 17.2.2025 are hereby quashed. As a consequence, respondents 1 and 2 are directed to include the name of the petitioner to the post of Dean in the Government Medical Colleges by placing her in the appropriate position in the panel for the year 2024-2025 as per the seniority in the CML within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMPs are closed.

14.3.2025

Index : Yes
Neutral Citation : Yes

RS

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To

1.The Additional Chief Secretary
to Government of Tamil Nadu,
Health & Family Welfare (A)
Department, Fort St.George,
Secretariat, Chennai-9.

2.The Directorate of Medical
Education & Research,
Kilpauk, Chennai-10.

3.The Dean, Madras Medical
College & Rajiv Gandhi
Government General Hospital,
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