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W.P.No.36875 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.36875 of 2025

and W.M.P.Nos.41237 & 41239 of 2025

Dr.V.Aarthi Nisha

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Department of Health and Family Welfare,
Fort St. George, Chennai – 600 009.

2. The Director,
Directorate of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.

3. The Principal,
Tamil Nadu Government Dental
College and Hospital,
Chennai – 600 003.

4. Dr. Vidya Jayaram,
Assistant Professor of Oral Medicine
and Radiology,

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Tamil Nadu Government Dental
College and Hospital,
Chennai – 600 003.

5. Dental Council of India,
J6MP G22, Aiwan-E-Galib Marg,
Kotla Road, Temple lane,
New Delhi – 110 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the order dated 11.07.2025 made in Health and Family Welfare (A1) Department in G.O.(D).787 on the file of the first respondent and quash the same as illegal and consequently direct the respondents to include the name of the petitioner in the panel of names for promotion to the post of Associate Professor in Tamil Nadu Government Dental College and Hospital.

For Petitioner : Mr.K.Venkatesan

For Respondents

For R1 to R3 : Ms.M.Sneha

Special Counsel for Health Dept.

For R4 : Mr.R.Sankarasubbu

ORDER

This writ petition has been filed challenging the order dated



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11.07.2025 passed by the fourth respondent thereby promoting the fourth

respondent to the post of Associate Professor of Oral Medicine and Radiology.

2. The learned counsel appearing for the petitioner submitted that the petitioner had joined in the Tamil Nadu Medical Service as an Assistant Professor on 28.07.2014 and joined duty on 31.07.2014. She also acquired post graduate degree in Master of Dental Surgery in the year 2011 itself. She also had experience of three years in teaching before joining in the government service. As per the Dental Council of India norms four years of service and also required publication points for the promotion to the post of Associate Professor. The petitioner is qualified for the post of Associate Professor in the year 2015 itself. However, the petitioner was not included in either 2015-2016 nor 2018-2019 promotion panel. Further, the preparation of panel for appointment by promotion and recruitment by transfer to the post of Associate Professor must be 1:2 ratio. However, the second respondent did not prepare the panel for



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promotion to the post of Associate Professor with two candidates, without

preparing panel in consonance with the instructions dated 11.07.2025

issued by the Personnel & Administrative Reforms (P) Department. He

further submitted that the fourth respondent is facing disciplinary

proceedings as such, she is not entitled for the promotion to the post of

Associate Professor.

3. The learned Special Counsel appearing for the respondents 1 & 2 submitted that the order impugned in this Writ Petition is not at all a panel for the promotion to the post of Associate Professor. It is a promotion order and accordingly, the fourth respondent had joined as Associate Professor of Oral Medicine and Radiology, Tamil Nadu Government Dental College and Hospital, Chennai. That apart, no disciplinary proceedings initiated as against the fourth respondent and no enquiry is pending. Further, there was a financial loss due to the violation of tender quotation in procurement of medical equipments to the tune of Rs.6,90,750/-. In this regard, a fact finding enquiry was conducted by the



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enquiry officer and found that there was differential cost of Rs.6,90,750/-.

The said amount was shared by five persons and insofar as the fourth respondent is concerned, she had paid a sum of Rs.1,03,612.50. Therefore, it is not an impediment for the promotion to the post of Associate Professor.

4. The learned counsel appearing for the fourth respondent submitted that the petitioner is far junior than the fourth respondent. Above the petitioner there are 30 senior persons are there. As per the civil medical seniority list 2022 for dental doctors (revised on merits basis from 1999-2002 batch to 2014), the fourth respondent's serial number is 322 and the petitioner's serial number is 352. Therefore, the petitioner is far junior than the fourth respondent.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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6. Admittedly, the petitioner is far junior than the fourth respondent. Even assuming that the fourth respondent is not entitled for promotion to the post of Associate Professor, the petitioner would not get any promotion to the post of Associate Professor. That apart, the fourth respondent was promoted by an order dated 11.07.2025, which is impugned in this Writ Petition and the petitioner challenged the same only on 22.09.2025. Now the fourth respondent had joined duty in the post of Associate Professor and she is very much eligible for the promotion to the post of Associate Professor. This Court finds no infirmity or illegality in the order passed by the first respondent and the Writ Petition itself is devoid of merits and is liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.



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Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

rts

G.K.ILANTHIRAIYAN. J.

rts

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