

W.P.(MD) No.21004 of 2016

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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RESERVED ON : 20.06.2025  
PRONOUNCED ON : 27.06.2025

CORAM:

**THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

W.P. (MD) No.21004 of 2016

and

W.M.P. (MD) No.15011 of 2016

S.Karunanithi  
S/o.Shanmugham  
Pathuthak, Thiruvonam Post  
Karambakudi Taluk  
Pudukottai District.

... Petitioner

Vs.

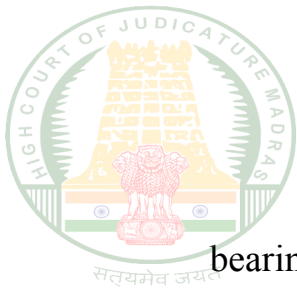
1.The Director of Medical Education  
Kilpauk,  
Chennai - 600 010.

2.The Dean  
Thanjavur Medical College  
Thanjavur

... Respondents

PRAYER in W.P.:

To issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ to call for the records on the file of the 1<sup>st</sup> Respondent pertaining to order Ref.No. 3625/E5/3/2016 dated 9.2.2016 and to quash the same and consequential direct the Respondents to grant promotion as satisfaction on par with the other employees as per the Circular of the 1<sup>st</sup> Respondent



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bearing Ref.No.4939/E5/3/2014 dated 12.2.2014 forthwith and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

PRAYER IN W.M.P.(MD) No.15011 of 2016:

To pass an order to dispense with production of the original impugned order in Ref.No.3625/E5/3/2016. dated 9.2.2016 on the file of the Respondent for the present and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr. N. Balakrishnan.

For Respondents : Mr. T. Amjadkhan, Government Advocate.

## **J U D G M E N T**

Heard.

2.The Petitioner is a graduate in Economics with ancillary in Economic Statistics. He initially joined the 2nd Respondent Hospital as a Junior Assistant. Thereafter, a circular dated 12.02.2014 has been issued proposing to draw a panel for the post of Statistician by the 1<sup>st</sup> respondent and he has submitted the application for the said post and since, he has not possessed the requisite qualification, his name has been not included in the Statistician Panel. Hence, he has been repeatedly giving



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petitions through RTI and CM Cell requesting the reasons for non-inclusion of his name in the Statistician Panel. Subsequently, the petitioner has sent a representation to the National Commission for Scheduled Castes and in turn, the commission has sent a notice to the first respondent herein and the first respondent vide letter dated 09.02.2016 has stated that vide circular dated 12.02.2014, the application of all the candidates who apply for the said post is examined as per the qualification and method of appointment for the post and then the panel for statistician is drawn if they fulfill the above criteria as on crucial date and since he has not satisfied the said criteria, his name has not been included and hence, closed the proceedings. Aggrieved by the said reply and the circular, the petitioner has filed the present writ petition seeking appointment as Statistician.

3. Since the Petitioner was not selected for the post, he levelled allegations against the Department alleging caste-based discrimination. He also sent a representation to the National Commission for Scheduled Castes at New Delhi. Pursuant to the same, a notice appears to have been issued by the Commission, and in response, the 1st Respondent sent a reply dated 09.02.2016. It is necessary to extract the relevant portion of the



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said reply, which will answer the case of the petitioner:-

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“3)Thiru.S.Karunanidhi possess a degree in economics with Economic Statistics as ancillary subject and he does not possess 2 years experience in Medical or Bio Statistics in a teaching institution. Hence he is not eligible for the post of Statistician and his name was not included in the Statistician Panel since he did not possess the qualification and experience required for the post and his probation was not declared as on the crucial date.

4) As per Tamil Nadu Services Manual Volume- III, Section - 21, Tamil Nadu Medical Subordinate Service, Part - I, Special rules for the post of Statistician a circular was communicated all Head of Institutions under the control of Directorate of Medical Education the pane! was drawn with the qualified persons and as per the seniority the promotion orders will be Issued to 2 persons eligible (as on crucial date vide this office ref.no.4939/E5/3/2014 dt; 13.02.2015) as per the Method of appointment and qualification prescribed for the post. Communal rotation only for Direct Recruitment. While following the other method of appointment "by transfer, by recruitment by transfer from any other service and by promotion" Communal Rotation is not followed only the seniority in the feeder category post is considered. Hence the contention of Thiru.S.Karunanthi that his petition for promotion for statistician, has not been considered is not true. The application of all the candidates who apply for the post is examined as per the qualification and method of appointment for the post and then only the panel for statistician is drawn if they fulfill the above criteria as on crucial date.

5) Thiru.S.Karunanidhi has repeatedly giving petitions through RTI and CM Cell requesting the reasons for non-inclusion of his name in the Statistician Panel. Reply has been given to him by this office for all his petitions. Inspite of the same he approached the Tamil Nadu Information



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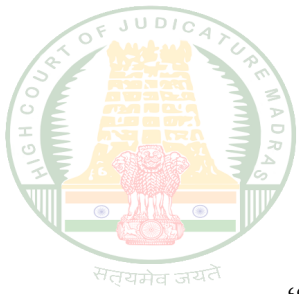


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Commission in this regard. The Tamil Nadu information Commission in its letter dated 14.12.2015 requested the Public Information Officer of this Directorate to appear before the Tamil Nadu Information Commission on 01.12.2015. The Public Information Officer of this office and Thiru.S.Karunanidhi appeared before the commission on 01.12.2015. The Commission furnished the records of this Directorate requested by Thiru.Karunanidhi and informed the petitioner that for the same issue (i.e non-inclusion of his name in Statistician Panel) he has submitted various petition, and such practice should be avoided and ordered that there is no need to enquire the appeal petition submitted by the petitioner. On the above grounds the file has been treated as closed in the Tamil Nadu Information Commission.”

It has not been brought to the notice of this Court that the National Commission for Scheduled Castes had taken any further action in the matter. It can, therefore, be reasonably inferred that the Commission was satisfied with the reply furnished by the 1st Respondent, as extracted above.

4.In any event, pursuant to the notice issued by this Court, the 2nd Respondent has filed a counter affidavit denying the averments made by the Petitioner in his affidavit. The specific reason as to why the Petitioner was not considered for the post has been set out in the counter affidavit and is extracted below for proper appreciation.



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“5...The contention of the petitioner that his seniority is 8<sup>th</sup> place is not correct. His seniority is found in 23<sup>rd</sup> place. Further, his contention is that he has more than 10 years experience is not true. The experience indicated by the petitioner is the service including temporary contract Junior Assistant post and regular Junior Assistant post. He was regularly appointed as Junior Assistant only on 01.06.2012 forenoon only. The service in the post of Junior Assistant will be taken only with effect from 01.06.2012. The petitioner is misunderstood with the experience put in the post of Junior Assistant and the experience required for the post of Statistician. The experience required for the post of Statistician is different from the experience put in the post of Junior Assistant. The experience required for the post is 2 years experience in Medical or Bio-Statistics in a teaching institution. (i.e. experience related to Statistics - in Medical or in Bio-Statistics). The experience gained by the petitioner in the post of Junior Assistant is clerical related experience. He has not produced experience certificate for having two years experience in the field of Medical or Bio-statistics in the institutions under the control of Directorate of Medical Education. For the holders of the qualification B.A. degree in Economics, the two years experience is required for discharging the duties attached with the post of Statistician. The petitioner was not eligible for inclusion in the panel for the post of Statistician since he has not completed probation in the post of Junior Assistant (initial appointment) up to the crucial date 15.03.2014 for the panel year 2013-2014 and has no two years experience in Medical Or Bio-statistics in teaching institution.”

5.In view of the above facts and circumstances, this Court is of the view that no case has been made out to entertain the writ petition. Accordingly, the writ petition stands dismissed.



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There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**27.06.2025**

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

To

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Kilpauk,  
Chennai - 600 010.

2.The Dean  
Thanjavur Medical College  
Thanjavur



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**DR. A.D. MARIA CLETE, J**

*ay*

Pre-Delivery Judgment made in  
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