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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.35924 of 2025

J.Ashok

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 5.

2.The Director,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam,
Chennai-106.

3.The principal,
Government Homeopathy Medical College and Hospital,
Thirumangalam,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 2 and 3 to conduct re-counselling in the post of Professor based on the seniority fixed by the 1st respondent issue in G.O.(2D) No.19 Health and Family Welfare(1M1-1) Department dated 12.03.2024 by giving opportunity to all within the time limit that may be stipulated by this Honourable Court



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For Petitioner : Mr.K.Gurunathan
For Respondents : Mr.C.Venkateshkumar
Special Government Pleader

ORDER

The petitioner is working as a Professor in Forensic Medicine and he was inducted into Homeopathy College. He possesses a Bachelor of Homeopathy and Medical Science degree and subsequently, acquired Postgraduate degree as well. The petitioner was initially appointed as an Assistant Medical Officer in the year 2007. Since the posts of Assistant Medical Officer and Tutor are interchangeable, he was later appointed as a Tutor in Government Homeopathy Medical College and Hospital, Thirumangalam and thereafter, promoted to the post of Lecturer.

2. At the time when the promotion to the post of Professor is considered, the petitioner was pursuing his Postgraduate Course and hence, he was not considered and accommodated for promotion as Professor. Aggrieved by the fact that his juniors were promoted ahead of him, the petitioner has filed a writ petition in W.P(MD).No.22790 of 2024 before this Court. The said writ petition was disposed of vide order of this Court dated 03.10.2024. Subsequently, the



petitioner was also promoted to the post of Professor. The petitioner has now filed this writ petition seeking issuance of writ of mandamus directing the respondents 2 and 3 to conduct re-counselling for the post of Professor based on the seniority fixed by the first respondent in G.O(2D).No.19, Health and Family Welfare (1M1-1) Department, dated 12.03.2024.

3. The learned Special Government Pleader appearing for the respondents would submit that the Lecturers, who were in the panel, were promoted as Professors by the first respondent vide G.O.(D).No.959, Health and Family Welfare(1M1-1) Department, dated 04.09.2024. During this promotion, some of the seniors and juniors to this petitioner were also promoted as Professors. However, the petitioner was not given effect, since he was pursuing P.G.degree. Thereafter, his seniority has now been revised as per TNPSC seniority and he is kept in Sl.No.3 for the post of Professor without any change in his original seniority position. However, the relief sought for in this writ petition for conducting re-counselling for the department allocation is not feasible, as there is no Rule available for the same.

4. This Court considered the rival submissions made.



5. No doubt, the petitioner was not considered for the promotion to the post of Professor in the year 2024 and subsequently, he has been promoted.

The grievance of the petitioner is that he was not provided with opportunity of selecting the post during the panel, since he was denied the promotion. For the sake of one person, it is not feasible to conduct a recounselling. The petitioner has to work out his remedy in the next round of counselling. The petitioner shall be given preference during the next counselling.

6. With the above observation, this Writ Petition is closed. No costs.

16.12.2025

NCC : Yes/No
Index : Yes/No
Rmk

To

1. The Additional Chief Secretary to Government,
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2. The Director,
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3. The principal,
Government Homeopathy Medical College and Hospital,
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B.PUGALENDHI,J.

Rmk



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