



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9017 of 2025

S.Surya Kumar
S/o.S.Sundaram,
Prosthetic Technician Grade II,
Department Of Physical Medicine And
Rehabilitation, Government Kilpauk Medical
College Hospital, Kilpauk, Chennai 600010.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
The Additional Chief Secretary To
Government,
Health And Family Welfare Department,
Secretariat, Chennai 600009.
2. Directorate Of Medical Education And
Research,
Kilpauk, Chennai 600010.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to grant promotion from the date of issuing the panel with monetary benefits to the petitioner as Prosthetic Technical Grade I in the existing vacancy at Government Kilpauk Medical College and Hospital Chennai based on the panel drawn for the years 2023-2024.

For Petitioner(s):

Mrs.N.Kavitha Rameshwar

For Respondent(s):

Ms.Sneha, Special Counsel



ORDER

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The petition has been filed by the petitioner seeking a direction to the respondents to grant a promotion to him from the date of issuing the panel with monetary benefits as Prosthetic Technician Grade -I in the existing vacancy at Government Kilpauk Medical College and Hospital, Chennai, based on the panel drawn for the year 2023-2024.

2. The brief facts which are culminated in the filing of this writ petition are set out below:

2.1. The petitioner would submit that he had entered into government service on 25.02.1987 and as per the panel 2014-2015, he was promoted as Prosthetic Technician Grade II, in which, he is currently working at the Government Kilpauk Medical College and Hospital. The petitioner would submit that he has become eligible for promotion to the post of Prosthetic Technical Grade I.

2.2. While so, the second respondent, who is an appointing authority, by a circular dated 18.02.2023, had directed the Deans of the Institution to furnish the particulars in respect of Prosthetic Technical Grade II Candidates working under their control for the inclusion in the panel for the post of



Prosthetic Technical Grade I for the panel year 2023-2024. After receiving the particulars, the second respondent sought for clarification from the first respondent with regard to revival of the posts which have been kept vacant for over three years though there was no bar for filling promotional posts. It is the case of the petitioner that though the posts are vacant from 2015 and 2020, the second respondent had taken steps to fill up the posts by promotion only in the year 2023, thereby, denying promotional benefits for all these years.

2.3. The first respondent, by proceedings dated 13.06.2023, had clarified that the permanent post of Prosthetic Technical Grade I was created *vide* G.O.Ms.No.306, Health and Family Welfare (E1) Department dated 31.10.2012. This post was vacant from 31.10.2020 in Government Kilpauk Medical College and Hospital, Chennai. The first respondent, therefore, directed the second respondent to take action as per the instructions issued in G.O.Ms.No.382, Finance (CMPC) Department dated 24.10.2022, since the revival for vacant posts beyond three years is only with reference to the entry level vacant posts. It is the contention of the petitioner that he does not belong to the entry level post and therefore, revival is not required for the same. Therefore, he had made a representation dated 16.06.2023 requesting the second respondent to promote him as Prosthetic Technician Grade I as there are two vacancy available and he has experience of 36 years in Government service.



2.4. The petitioner would submit that the second respondent had thereafter, prepared the panel for the year 2023-2024 for the post of Prosthetic Technician Grade I, in which, the petitioner's name featured in Serial No:2 and the candidate who was mentioned in Serial No:1 namely Usharani had attained superannuation in the year 2024 and therefore, as per the panel list for the year 2023-2024, the petitioner was the seniormost person in the said list. Further, by proceedings dated 31.08.2023, the second respondent had reiterated 'Nil' panel for the post of Prosthetic Technician Grade-I for the period from 2015-2016 to 2022-2023. The petitioner would submit that the panel is prepared only after preparing the estimation of vacancies, in proportion to the valid and fillable posts in the panel year. Therefore, once the panel is published, it implies that the second respondent is bound to issue the promotion year.

2.5. Further, for the reasons best known to the second respondent, he sought for clarification from the first respondent and the first respondent also clarified that revival will not apply for the post of Prosthetic Technician Grade I. While so, the second respondent has now sought permission from the first respondent, by its proceedings dated 26.03.2024, to fill up the post of Prosthetic Technician Grade I for the year 2023-2024. This is despite the fact that the petitioner had qualified for the said post. Since the representations made by the petitioner is not yielding the desired result, he has come forward with this writ petition.



3. The second respondent had filed a counter affidavit for itself and on behalf of the first respondent *inter alia* denying the contentions of the petitioner and rebutting the averments contended in the writ petition. The respondents would proceed to submit that since the post of Prosthetic Technician Grade I was vacant for more than three years, the permission of the Government is essential to fill up the vacant post. The request in this regard has been made and on receipt of the orders, the vacant post would be filled.

3.1. The respondents would further submit that when the panel was prepared for the year 2023-2024, it was clearly mentioned that the inclusion of a candidate's name in any list of approved candidates for any class/category in a service would not confer on him any claim to appointment to the class/category in that service as per Section 7(4) of Tamil Nadu Government Servant Condition of Service Act, 2016. The respondents would submit that it is not open to the petitioner to request revival of the lapsed posts of Prosthetic Technician Grade I attached to the Kilpauk Medical College and Hospital, Chennai, and the Government Mohan Kumaramangalam Hospital, Salem, as these posts were being vacant for over three years. Therefore, the respondents sought for the dismissal of the writ petition.

4. Heard the rival submissions and perused the materials available on record.



5. The only issue that arises for consideration in this petition is whether the permission of the Government was required to promote the petitioner to the post of Prosthetic Technician Grade I as the post of Prosthetic Technician Grade I has been vacant for over three years. The petitioner would refer to the Government order in G.O.Ms.No.382, Finance (CMPC) Department, dated 24.10.2020 and the letter dated 13.06.2023. A perusal of the G.O.Ms.No.382, *supra*, would clearly indicate the fact that the amendment was related to the entry level vacant posts for over three years.

6. The post of Prosthetic Technician Grade I and Prosthetic Technician Grade II are not entry level posts. The petitioner had been temporarily promoted as Prosthetic Technician Grade II pursuant to the panel published for the year 2014-2015. The fact that he has been promoted clearly indicates that the said post is not entry level post. It is the post of Prosthetic Technician Grade II which is the feeder category for Prosthetic Technician Grade I. Therefore, stating that the vacant posts revival is necessary in order to promote the petitioner is to say the least absurd. Further, in response to the letter of the Director of Medical Education dated 30.03.2023, the Principal Secretary to Government through its letter dated 13.06.2023 has clearly stated as follows:

“It has been ordered that, Recruitment against existing entry level vacant post including on compassionate ground shall continue. In cases where the



post have been vacant for more than 3 years, approval of the Staff Committee shall be obtained for revival of the posts prior to filling them up.

2.In this proposal, Permanent post Prosthetic Technician Grade I which was originally created in G.O.Ms.No.306, Health and Family Welfare (E1) Department, dated 31.10.2012 for Government Kilpauk Medical College and Hospital Chennai was vacant from 31.10.2020 only. Vacant posts beyond three years only need revival. Hence, you are requested to take action as per instruction issued in G.O.Ms.No.382, Finance (CMPC) Department, dated 24.10.2022.”

Therefore, the first respondent has themselves clarified that there was no necessity for revival since it is not an entry level post, despite which, it appears that the second respondent have not taken any action to fill up the vacancy. In these circumstances, the writ petition is allowed as prayed for. No costs.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.T.ASHA, J.

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To

1.The State of Tamilnadu

The Additional Chief Secretary To Government,
Health And Family Welfare Department,
Secretariat, Chennai 600009.

2.Directorate Of Medical Education And Research,
Kilpauk, Chennai 600010.

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