



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

REV.APPL No. 92 of 2026

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai 9.
2. The Director Of Medical Education And
Research
Kilpauk, Chennai 10.
3. The Dean
Kanyakumari Medical College,
Asaripallam,
Kanyakumari 629 201.

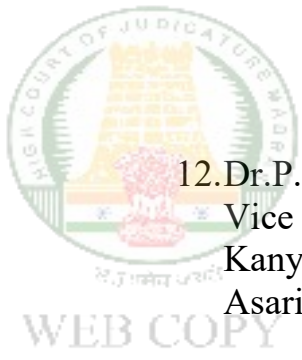
..Petitioner(s)

Vs

1. Dr.L. Arul Sundaresh Kumar
Professor of ENT,
Government Madurai Medical College,
Madurai.
2. Dr.R. Amutha Rani
Professor of Anasthesia,
Government Tirunelveli Medical College,
Tirunelveli.
3. Dr.S. Muthuchitra
Professor of ENT,
Government Kilpauk Medical College,
Chennai.



4. Dr.T. Jeyasingh
Professor of Forensic Medicine,
Government Coimbatore Medical College,
Coimbatore .
5. Dr.M. Rohinidevi
Professor of Anatomy,
Government Coimbatore Medical College,
Coimbatore.
6. Dr.J.A. Jayalal
Professor and HOD of General Surgery,
Department of Health and Family Welfare,
Fort. St. George,
Chennai 09.
7. Dr.G. Sivasankar
Director and Professor of Urology,
Madras Medical College,
Chennai.
8. Dr.M. Bhavani
Medical Superintendent / Professor,
Rajiv Gandhi Government General Hospital,
Chennai.
9. Dr.T. Ravikumar
Medical Superintendent / Professor,
Government Medical College and
Employees State Insurance Corporation (ESIC)
Hospital,
Coimbatore.
- 10.Dr.V. Ramalakshmi
Professor of Ophthalmology,
Government of Tirunelveli Medical College,
Tirunelveli.
- 11.Dr.S. Kumaravel
Professor or Orthopaedics,
Government Thanjavur Medical College,
Thanjavur.



12.Dr.P. Leo David
Vice Principal/Professor,
Kanyakumari Government Medical College,
Asaripallam

13.Dr.J. Devi Meenal
Professor of Radio Diagnosis,
Government Kilpauk Medical College,
Chennai.

14.Dr.S. Kalaivani
Director and Professor of Dermato,
Venereo and Leprosy,
Madras medical College,
Chennai.

15.Dr.V. Lokanayaki
Professor of Anatomy,
Government Kilpauk Medical College,
Chennai.

..Respondent(s)

To review the order passed by this Court dated 04.07.2025 passed in WA.No.924 of 2025 (Common order) as to whether Dr. J. Jayalal, Respondent 1 has to be promoted to the post of Dean for the panel 2024-2025 while a punishment of censure for on year was in force as against the said Dr. J. Jayalal during the preparation of the panel and pass such other or further or orders as this Court.

For Petitioner(s):

Mr.J.Ravindran
Additional Advocate General
asst by
Mrs.M.Sneha
Special Counsel for Health and Family Welfare
Department.

For Respondent(s):

Mr.P.Godson Swaminath
for M/s.Isaac Chambers for R6
R1-5, 7-15-Dispensed with
vide order dated 02.03.2026.

**ORDER**

WEB COPY (Order of the Court was made by S.M.Subramaniam J.)

State preferred the present review application to review the order of this Court dated 04.07.2025 passed in W.A.No.924 of 2025.

2. Heard Mr.J.Ravindran, learned Additional Advocate General appearing on behalf of the State and Mr.P.Godson Swaminath, appearing on behalf of the 6th respondent. Since both respective learned counsels argued the matter in full, this Court has decided to pass final orders in the present review application.

3. The factual matrix transpired would show that five doctors preferred writ appeals challenging the writ order seeking promotion to the post of 'Dean' of Government Medical College Hospital in the State of Tamil Nadu. Division Bench of this Court elaborately considered the issues and dismissed the writ appeals by confirming the order passed by the Writ Court. Consequently, all five doctors namely Dr.L.ArulSundaresh Kumar, Dr.R.Amutha Rani, Dr.S.Muthuchitra, Dr.T.Jeyasingh and Dr.M.Rohinidevi were promoted to the post of Dean in compliance with the orders of the Division Bench, which is sought to be reviewed in the present petition.



4. Subsequently, Medical department found that Dr.J.A.Jayalal, who is the 1st respondent in the writ petition suffered punishment of censure vide order dated 11.09.2024. Crucial date for promotion to the post of Dean was 15.03.2024. As on the crucial date, currency of punishment was in existence. Therefore, he was found ineligible for promotion to the post of Dean. Admittedly, this fact was not placed before the Division Bench during hearing of writ appeal either by the State counsel or by learned counsel appeared for the Doctors.

5. Raising the said error as a ground, present review application is filed.

6. Learned Additional Advocate General would contend that said error, if allowed to go on, it will affect the scheme of promotions to be granted to the meritorious Doctors to the post of Dean. Post of Dean is the head of institution and any tainted candidate is not eligible for promotion to the post of Dean as per the Promotion Rules in force. Thus, it is an error apparent and to be corrected.

7. Mr.P.Godson Swaminath, learned counsel for the 6th respondent would oppose by stating that punishment of censure was subsequently stayed by the learned Single Judge of this Court in W.P.No.10589 of 2026, dated 10.03.2026. Since punishment of censure imposed vide proceedings dated 11.09.2024 has been stayed by the learned Single Judge, there is no impediment for continuance



of the 6th respondent in the post of Dean. However, said promotion already granted may be continued till such time the writ petition is disposed of.

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8. The fact remains that 6th respondent was promoted to the post of Dean on 17.02.2026. Therefore, he was not actually promoted during the currency of punishment of censure, which expired on 10.09.2025. Promotion to the post of Dean was granted, as per the learned Additional Advocate General, under the threat of contempt proceedings. He would submit that department has not proposed to give promotion to the 6th respondent to the post of Dean. Since contempt petition was filed, State complied the order subject to filing of the present review application. However, 6th respondent has subsequently filed a writ petition in W.P.No.10589 of 2026 challenging the punishment of censure imposed vide proceedings dated 11.09.2024. This being the factum, subject to the final orders to be passed in the said writ petition in the matter of punishment, promotion of the 6th respondent may be regulated/regularised in accordance with the rules in force.

9. Legal propositions governing the promotion are that,

- (i) *Promotion per se cannot be claimed as an absolute right by an employee.*
- (ii) *Consideration for promotion is a fundamental right of an employee.*
- (iii) *All promotions are to be granted strictly in accordance with the Promotion Rules applicable to a particular post.*



10. Currency of punishment, no doubt is a bar for promotion. Since promotion has been granted to the 6th respondent to the post of Dean in pursuance to the contempt proceedings, and he subsequently challenged the punishment of censure by filing a writ petition, his promotion to the post of Dean is directed to be regulated subject to the final order to be passed in the writ petition, which is pending before the learned Single Judge.

11. With these observations, the review application is disposed of. No costs.

(S.M.S.,J.) (K.S.,J.)
07-04-2026

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

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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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