



W.P.(MD) No.5775 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.5775 of 2026

M.Ramaiah

... Petitioner

-VS-

1.The Additional Chief Secretary
to the Government
Health and Family Welfare
(J2) Department
Secretariat, Chennai-600 009

2.The Director of Medical
Education and Research
Kilpauk, Chennai-10

3.The Director
Government Institute of
Rehabilitation Medicine
Chennai-83

4.The Dean
Madurai Rajaji Hospital
Madurai020

... Respondents



W.P.(MD) No.5775 of 2026

WEB C PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the 3rd respondent vide his proceedings in Na.Ka.No.2446/Ni.Pi./2025 dated 04.02.2026 and quash the same as illegal and consequently to direct the respondents to promote the petitioner as Prosthetic Technician Grade-II in the temporary post notified under G.O.Ms.No.168, Health and Family Welfare (J2), Department dated 10.02.2026.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R3

ORDER

Heard Mr.V.P.Rajan, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for the respondents 1 to 3.

2. While the petitioner was working as Prosthetic Craftsman Grade-II, his case came up for consideration for promotion to the post of Prosthetic Technician Grade-II during the years 2015 – 2016. But, the



W.P.(MD) No.5775 of 2026

petitioner, on his own volition, relinquished the said promotion, on the ground that he has undergone open-heart surgery. It was thereafter, the third respondent notified two more vacancies in the post of Prosthetic Technician Grade-II, one at GIRM, K.K.Nagar, Chennai and another one in the Government Mohan Kumaramangalam Medical College and Hospital, Salem, through proceedings dated 27.01.2026 scheduling the counselling to 30.01.2026. As the petitioner's name is found at Serial No.1 in the eligible list, he was communicated about the same and issued with a counselling letter. The petitioner, by his letter dated 29.01.2026, relinquished his promotion to the post of Prosthetic Technician Grade-II. Accordingly, the promotion counselling was conducted on 30.01.2026 by considering the claim of the juniors of the petitioner for the said two posts. While so, the first respondent, through a Government Order in G.O.(D) No.168, Health and Family Welfare (J2) Department, dated 10.02.2026, issued orders reviving six permanent posts and fifteen temporary posts of Prosthetic Technician Grade-II, including one post at Madurai. In the light of the same, the petitioner claims to have submitted a letter dated 14.02.2026 withdrawing his earlier request for relinquishment for promotion to the post of Prosthetic Technician Grade-II, on the premise that his request for relinquishment was not accepted by the competent authority by 14.02.2026. However, it was thereafter and on



W.P.(MD) No.5775 of 2026

WEB C

18.02.2026, a copy of the proceedings dated 04.02.2026 bearing Na.Ka.No. 2446/Ni.Pi./2025, was communicated to the petitioner by the fourth respondent accepting his relinquishment through letter dated 29.01.2026. Aggrieved by the said proceedings dated 04.02.2026, the petitioner has approached this Court by filing the present writ petition contending that his request for relinquishment was accepted after the said request for relinquishment was withdrawn by him and therefore, the impugned proceedings cannot be sustained.

3. On the other hand, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 to 3, submitted that the request for relinquishment submitted by the petitioner on 29.01.2026 was acted upon immediately and accordingly, the petitioner was not allowed to participate in the promotion counselling conducted on 30.01.2026 and his juniors' name were accordingly considered and they were promoted and the impugned proceedings also came to be issued on 04.02.2026 itself, but there was some delay in communicating the same to the petitioner. He also further contended that the question of non-acceptance of the request made by the petitioner does not arise, as the same was acted upon immediately within few days thereafter.



W.P.(MD) No.5775 of 2026

WEB COPY

4. This Court has carefully considered the submissions on either side and perused the entire materials available on record.

5. Admittedly, the request to withdraw his relinquishment for promotion was made by the petitioner only on 14.02.2026. There is no allegation of whatsoever nature either attributing any *mala fides* or of anti-dating the impugned proceedings dated 04.02.2026. In the absence of any such allegation, mere communication of the impugned proceedings dated 04.02.2026 to the petitioner on 18.02.2026 does not mean that the request for relinquishment for promotion was not accepted by the competent authority till 18.02.2026. From the fact that the candidates, who are juniors to the petitioner, were allowed to participate in the promotion counselling and were promoted as early as on 30.01.2026 itself, would show that the request of the petitioner was accepted and acted upon.

6. Once the request for relinquishment for promotion is made and the same was accepted by the authority concerned, the same would be in operation for a period of three years in terms of Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Perhaps, it is only in the light of the Government Order issued in G.O.(D) No.168, Health and



W.P.(MD) No.5775 of 2026

WEB COUN Family Welfare (J2) Department, dated 10.02.2026, reviving six permanent posts and fifteen temporary posts of Prosthetic Technician Grade-II, including one post at Madurai, the petitioner, who is located at Madurai, appears to have changed his mind to have the benefit of promotion and to stay back at Madurai and appears to have made a representation dated 14.02.2026 purportedly withdrawing his request for relinquishment for promotion. In the light of the same, the contention of the petitioner that his request for relinquishment for promotion has not been accepted till 18.02.2026 cannot be accepted and this Court does not find any error or illegality in the impugned proceedings, warranting interference of this Court.

7. Accordingly, this writ petition is dismissed. No costs.

03.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk



W.P.(MD) No.5775 of 2026

WEB COPY

To:

- 1.The Additional Chief Secretary
to the Government,
Health and Family Welfare
(J2) Department,
Secretariat, Chennai-600 009.
- 2.The Director of Medical
Education and Research,
Kilpauk, Chennai-10.
- 3.The Director,
Government Institute of
Rehabilitation Medicine,
Chennai-83.



WEB COPY



W.P.(MD) No.5775 of 2026

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.5775 of 2026

03.03.2026

Page 8 of 8