



W.P(MD)No.17411 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2026

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17411 of 2026

and

W.M.P(MD)No.12887 of 2026

P.Mathi Selvi

... Petitioner

Vs

1.The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.

2.The Director of Medical Education and Research,
Kilpauk,
Chennai - 600 010.

3.The Dean,
Tirunelveli Medical College,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners right of Permanent Voluntary Surrender/relinquishment of promotion to the Post of Associate Professor (Physiology) under Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 and further



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to remove the petitioner name from the approved panel for promotional to the post of Associate Professor of Physiology for the year 2025-2026 published by the first respondent in G.O.(D).No. 683, dated 10.06.2026 based on the petitioner's representation dated 13.06.2026 within stipulated time.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : Ms.K.Porkodi
counsel for State

ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 13.06.2026.

2.In the said representation, the petitioner has sought permission to relinquish the promotion granted to the post of Assistant Professor. According to the petitioner, such relinquishment is permissible under Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, and the request has been made on medical grounds.



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3.Ms.K.Porkodi, learned counsel for State, who accepts notice on behalf of the respondents, on instructions, submitted that the petitioner's request cannot be considered favourably, since the petitioner had earlier furnished an undertaking at the time of availing the time-bound promotion and had executed a letter of undertaking dated 09.06.2021 to that effect. It is further submitted that the petitioner has been receiving monetary benefits pursuant to the said promotion and, therefore, permitting the petitioner to relinquish the promotion at this stage would result in undue benefit to the petitioner.

4.After considering the rival submissions, this Court is of the view that the petitioner's representation requires consideration by the competent authority in the light of Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. While doing so, the respondents shall also take into account the undertaking furnished by the petitioner and the monetary benefits already received by her pursuant to the promotion.



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5. Accordingly, the respondents are directed to consider the petitioner's representation dated 13.06.2026 on its own merits and in accordance with law, taking into consideration all relevant factors, including the undertaking furnished by the petitioner and the monetary benefits already extended to her. The respondents are also at liberty to examine the question of recovery or adjustment of any benefits, if warranted under law. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

23.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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Note: Issue Order Copy on 25.06.2026.



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To

1.The Secretary to Government of Tamil Nadu,
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2.The Director of Medical Education and Research,
Kilpauk,
Chennai - 600 010.

3.The Dean,
Tirunelveli Medical College,
Tirunelveli.



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S.SRIMATHY, J.

ps

Order made in
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23.06.2026