

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-08-2016

Coram

THE HON'BLE MR.JUSTICE B. RAJENDRAN

Writ Petition No.29636 of 2016

M.Jothilakshmi

.. Petitioner

Vs.

1.The Secretary
Health and Family Welfare Department
Fort St.George
Chennai-600 009.

2.The Director
Medical and Rural Health Services
D.M.S.Campus
Teynampet
Chennai-600 006.

3.The Director
Director of Medical Education
Poonamallee High Road
Kilpauk, Chennai-10.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 04.07.2016 and transfer her from Government Medical College Hospital, Villupuram, to the Virudhunagar District Government Hospital or Sattur Government Hospital, or any one of the Urban Primary Health Centre which is nearest to her native place.

For Petitioner : Mr.R.K.Gandhi

For Respondents : Mr.P.Chinnadurai
Government Advocate

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O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 04.07.2016 and transfer her from Government Medical College Hospital, Villupuram, to the

Virudhunagar District Government Hospital or Sattur Government Hospital, or any one of the Urban Primary Health Centre which is nearest to her native place.

3. The petitioner was appointed as Staff Nurse, on consolidated pay in the year 2009, at Government Primary Health Centre, Thalaivasal, Salem District. After that, she was transferred to Kalligudi. Thereafter, her service was regularized and she was posted at Villupuram Government Medical College Hospital, on 19.02.2016. The petitioner is settled at Virudhunagar District and from there, she has to travel more than 450 km to reach Villupuram. Her husband is working in Army in North India. The petitioner's husband sent a representation to the respondents through his Indian Army Officer on 14.04.2016 for transfer. The petitioner also made a representation to the respondents on 04.07.2016 seeking transfer to the Virudhunagar District Government Hospital or Sattur Government Hospital or to any one of the Urban Primary Health Centre, which is nearest to the petitioner's native place, but, till date, no order has been passed. Hence, the Writ Petition has been filed.

4. Mr.R.K.Gandhi, the learned counsel for the petitioner would submit that the petitioner is settled at Virudhunagar District and from there, she has to travel more than 450 km to reach Villupuram, thereby, she is facing lot of difficulties and put to mental agony, as her aged parents are taking care of her one and half year old female child. He would further add that the petitioner would be satisfied if the respondents are directed to consider the representation of the petitioner, dated 04.07.2016 and to pass appropriate orders.

5. Mr.P.Chinnadurai, the learned Government Advocate, who took notice for the respondents, on instructions, would contend that the petitioner has to participate in the ensuing counseling and thereafter only, her request for transfer will be considered, on merits and in accordance with law.

6. As rightly pointed out by the learned Government Advocate, the petitioner has to first of all participate in the counseling and therefore, this Court, without going into the merits of the claim made by the petitioner, directs the respondents to permit the petitioner to participate in the ensuing counseling and thereafter, consider her representation, dated 04.07.2016, sympathetically, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary
Health and Family Welfare Department
Fort St.George
Chennai-600 009.
- 2.The Director
Medical and Rural Health Services
D.M.S.Campus
Teynampet
Chennai-600 006.
- 3.The Director
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Poonamallee High Road
Kilpauk, Chennai-10.

+1cc to Mr.R.K.Gandhi, Advocate sr.48404
+1cc to the Government Pleader Sr.48694

सत्यमेव जयते W.P.No.29636 of 2016

lrs[co]
srg 28/09/2016

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