

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2707 of 2017
and
W.M.P.No.2649 of 2017

K.Kaveri

... Petitioner

Vs.

1.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

2.The Director of Medical and Rural Health Services,
Chennai - 600 006.

3.The Director,
Arignar Anna Memorial Cancer Institute,
Karapettai,
Kancheepuram.

4.The Dean,
Government Thiruvavarur Medical College,
Hospital, Thiruvavarur.

5.Pechiammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the 1st respondent to consider the petitioner's representations dated 03.01.2017 and 09.01.2017 respectively in the light of the guidelines issued in G.O.Ms.No.(2D) No.131 H & FW Department dated 20.11.2007 in filling up the post of Nursing Superintendent Grade-II vacant at the 3rd respondent Hospital and consequently post/transfer the petitioner being the senior most candidate eligible to be considered to be transferred to the post of Nursing Superintendent Grade-II at the 3rd respondent Hospital.

For Petitioner : Mr.D.Padmanabhan

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader for
State Government

O R D E R

By consent, this writ petition is taken up for final disposal.

2.The petitioner would state that after completing Diploma in Nursing, she was appointed as Staff Nurse in the 3rd respondent Hospital under Physically Handicapped (Visually impaired) category in the year 1984 and on completion of 30 years of service, got promoted as Nursing Superintendent Grade-II and was transferred to Government Thiruvavur Medical College Hospital on 14.06.2014. The petitioner was on deputation to the 3rd respondent Hospital ever since 13.09.2014 till date. According to the petitioner, one C.Banu, who was working as Nursing Superintendent Grade-II in the 3rd respondent Hospital had attained superannuation on 30.09.2016 and the post is still vacant from 01.10.2016 and the petitioner, being senior-most and eligible to be promoted, submitted representations on 03.01.2017 and 09.01.2017 respectively to the 1st respondent and since no orders have been passed, has come forward to file this Writ Petition.

4.The learned counsel appearing for the petitioner would submit that the Health and Family Welfare (AI) Department in G.O.(2D) No.131 dated 20.11.2007 had issued revised guidelines for counselling for transfers and promotions.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who accepts notice for the respondents 1 to 4 also.

6.Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representations or in this Writ Petition, directs the 1st respondent to consider and dispose of the petitioner's representations dated 03.01.2017 and 09.01.2017, after putting on notice to the persons concerned and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned.

7.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

1.The Director of Medical Education,
Kilpauk, Chennai - 600 010.

2.The Director of Medical and Rural Health Services,
Chennai - 600 006.

3.The Director,
Arignar Anna Memorial Cancer Institute,
Karapettai, Kancheepuram.

4.The Dean,
Government Thiruvarur Medical College,
Hospital, Thiruvarur.

+1cc to Mr.D.Padmanabhan, Advocate SR.No.7514.

+1cc to the Government Pleader SR.No.7466.

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GJ(CO)
GN(09/02/2017)



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