

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017
CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.29361 of 2017

Benjamin Franklin

.. Petitioner

Vs.

1. State of Tamil Nadu
rep. by its Secretary,
Health Department,
Fort St. George, Chennai-9.
2. The Director,
Directorate of Medical Education,
EVR Periyar Salai,
Kilpauk, Chennai-10.
3. The Director,
Directorate of Medical and Rural Health Services,
DMS Complex 3rd Floor,
Teynampet, Chennai-6.
4. The Dean,
Thiruvarur Medical College and Hospital,
Thiruvarur.

.... Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to transfer the petitioner from Thiruvarur Government Medical College and Hospital, Thiruvarur to the Government Hospital, Aasaripallam, Kanyakumari District, for the post of Regular Staff Nurse by considering his representation dated 26.09.2017 in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.S.Mohamed Ansar

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

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to transfer the

petitioner from Thiruvarur Government Medical College and Hospital, Thiruvarur to the Government Hospital, Aasaripallam, Kanyakumari District, for the post of Regular Staff Nurse by considering his representation dated 26.09.2017 in accordance with law within a time stipulated by this Court.

2. According to the petitioner, he was working as a Staff Nurse on contract basis in Government Hospital, Kuzhithurai, Kanyakumari District and on 24.10.2016, he was posted as Regular Staff Nurse by the 3rd respondent and released to the 2nd respondent department for posting at Thiruvarur Medical College and Hospital, Thiruvarur and he joined duty on 14.11.2016 in the 4th respondent hospital as a Regular Staff Nurse.

3. The further case of the petitioner is that his father who is aged about 72 years is suffering from hypertension and ulcer and undergoing treatment for the same. Likewise, his mother Saratha Bai, who is aged about 58 years, is suffering from hypertension, hyper cholesterol and hypo thyroid and also undergoing treatment for the same. Apart from them, his younger sister, namely, Jennifer, who is aged about 21 years is a mentally retarded person from her childhood and sometimes, she acts aggressive, shout loudly and run from the house to somewhere. Since his parents are old persons, they could not manager her and therefore, the petitioner is only taking care of her.

4. Under such circumstances, the petitioner gave a representation dated 26.09.2017 to the respondents 1 to 3 seeking to transfer him to anyone of the Government Hospital at Asaripallam or Pathamanabapuram or Kuzhithurai or Kuzhasekaram in Kanyakumari District. Since, there is no response for the same, the petitioner is before this Court with this Writ Petition.

5. Heard the learned Counsel for the petitioner.

6. Learned Additional Government Pleader appearing for the respondents who takes notice on behalf of the respondents, submitted that if any vacancy arises in the cadre of Regular Staff Nurse in the Government Hospitals mentioned by the petitioner in his representation dated 26.09.2017, the case of the petitioner may be considered by the respondents on priority basis.

7. Considering the facts and circumstances of the matter and also taking into account the submission made by the learned Additional Government Pleader for the respondents, the respondents 2 and 3 are directed to consider the representation of the petitioner dated 26.09.2017, by posting him in anyone of

the Government Hospitals mentioned in his representation, if any vacancy arises there in future, on sympathetic ground.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Health Department,
Fort St. George,
Chennai-9.
2. The Director,
Directorate of Medical Education,
EVR Periyar Salai,
Kilpauk, Chennai-10.
3. The Director,
Directorate of Medical and Rural Health Services,
DMS Complex 3rd Floor,
Teynampet, Chennai-6.
4. The Dean,
Thiruvarur Medical College and Hospital,
Thiruvarur.

+1cc to Mr.S.Mohamed Ansar, Advocate, S.R.No.88395

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GP(CO)
RRK(30/01/2018)

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