



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12563 of 2017

and

W.M.P. (MD) Nos.9679 and 9680 of 2017

Dr.S.Syed Thahir Hussain MD., DA,
Asst Professor, Dept of Anaesthesiology,
Govt. Sivagangai Medical College, Sivagangai,
21, Mummy Daddy St, PKM Avenue,
Karuppyurani, Madurai-20.

... Petitioner

vs.

1. The Health Secretary,
St. George Forte, Chennai.

2. The Director of Medical Education (DME),
Directorate of Medical Education, No.162,
EVR periyar Salai,
Kilapauk, Chennai-6000010.

3. The Dean Government Medical College,
Sivagangai.

4. The Dean Government Medical College,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of impugned transfer and posting order Ref. No.96130/E3/1/2016-MOs dated 20.06.2017 and 4308/E1/17 dated 23.06.2017 of the second respondent and quash the same and direct the first respondent to consider the representation dated 27.06.2017 of the petitioner and made transfer the petitioner from the third respondent's college and to posted him as Asst. Professor in the fourth respondent's college as per the civil medical list (CML) seniority.

For Petitioner

: Mr.C.S.Ravichandran

For Respondents

: Mr.Raja Karthikeyan

Additional Government Pleader

**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.

2. It is the claim of the petitioner that when he has been working as Assistant Professor at Government Medical College, Sivagangai, from 10.07.2015, he cannot be transferred to Madurai Medical College as Assistant Surgeon. It is also stated that while participating in the transfer counselling on 31.05.2017, he expressed his willingness to transfer from Sivagangai Medical College to Madurai Medical College as Assistant Surgeon. Accepting his opinion, the 1st respondent issued the impugned order of transfer and posting. Since the Assistant Surgeon post is lower to the Assistant Professor post, it is pleaded, the impugned order is liable to be set aside.

3. The Court directed the petitioner to produce the relevant Rule to show that the post of Assistant Surgeon is inferior to the post of Assistant Professor. But, without even responding to the same, the counsel went on to argue the matter, stating that the impugned order is wrong. When the contention of the petitioner is not supported with any Rule or provision that the post of Assistant Surgeon is inferior to Assistant Professor post, this Court is unable to entertain the writ petition.

Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Health Secretary,
St. George Forte, Chennai.
 2. The Director of Medical Education (DME),
Directorate of Medical Education, No.162,
EVR periyar Salai,
Kilapauk, Chennai-6000010.
 3. The Dean Government Medical College,
Sivagangai.
 4. The Dean Government Medical College,
Madurai.
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 64417.
MRN/RR
PSM/KP/SAR1/19.07.2017/2P/6C

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