



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2018

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THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 9082 of 2018

and

W.M.P. (MD) No. 8456 of 2018

R. Karthik

: Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009

2. The Director of Medical Education,
Directorate of Medical Education,
State of Tamil Nadu,
162, EVR Periyar Salai,
Keelpakkam,
Chennai.

3. The Director of Medical and Rural Health Services,
Directorate of Rural and Health Services,
State of Tamil Nadu,
258, Second Floor, DMS Complex,
Anna Salai, Thenampettai,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to give the petitioner priority in the next counselling for transfer to Government Rajaji Hospital, Madurai.

For Petitioner : Mr. S. Malaikani

For Respondents : Mr. D. Muruganantham,
Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to give the petitioner priority in the next counselling for transfer to Government Rajaji Hospital, Madurai.

2. Heard Mr. S. Malaikani, learned Counsel appearing for the



petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The learned Counsel appearing for the petitioner would submit that the petitioner sought transfer to Madurai District, based on his seniority. However, his request has not been considered, whereas, number of persons, who are juniors to the petitioner, had been given such transfer and therefore, in order to take action against the erring officials and also to transfer him to Madurai District, he made a representation to the respondents on 01.02.2018, based on which, the petitioner has filed this writ petition seeking the aforesaid prayer.

4.The learned Additional Government Pleader appearing for the respondents would submit that the prayer sought for in this writ petition cannot be considered, as the petitioner requested for action against some officials, against whom, the petitioner makes some allegations. If at all, the petitioner has got any grievance with regard to his transfer, he can straightaway make application to the concerned authority, to consider his request for transfer to the favoured place of the petitioner and if such representation is given, certainly, that would be considered by the respondents on merits and in accordance with law.

5.I have considered the submissions made by the learned Additional Government Pleader appearing for the respondents and I have also perused the copy of the representation made by the petitioner, in this regard.

6.Since, the said representation cannot be directed to be considered by the respondents, while dismissing this writ petition, liberty is given to the petitioner to make fresh representation, seeking request for transfer to Madurai District or any other favoured place of the petitioner and on receipt of the said representation, the respondents shall consider the same and pass orders thereon, on merits and in accordance with law, at the earliest possible time.

7.With the above observations, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS I)

MR



To

1.The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai - 600 009

2.The Director of Medical Education,
Directorate of Medical Education,
State of Tamil Nadu, 162, EVR Periyar Salai,
Keelpakkam, Chennai.

3.The Director of Medical and Rural Health Services,
Directorate of Rural and Health Services,
State of Tamil Nadu, 258, Second Floor, DMS Complex,
Anna Salai, Thenampettai, Chennai.

1CC TO MR.S.MALAIKANI, ADVOCATE SR 69525

1CC TO THE SPL GOVT PLEADER SR 69607

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ORDER MADE IN W.P. (MD) No. 9082 of 2018

22.06.2018