



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.05.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P(MD)No.11259 of 2018

and

W.M.P. (MD) No.10281 of 2018

K.Muthusamy

... Petitioner

Vs.

1.The Director of Public Health and
Preventive Medicine,
Anna Salai,
Teynampet,
Chennai - 06.

2.The Deputy Director of Health Services,
Sankarankovil,
Tirunelveli District.

3.Murugan,
Non Medical Supervisor,
Government Primary Health Centre,
Muthanenthal Block,
Manamadurai Taluk,
Sivagangai District.

... Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to consider the petitioner for the post of Non Medical Supervisor in Government Primary Health Centre, Serndhamaram, Tirunelveli District.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mrs.S.Srimathy, Spl.G.P.

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 1st respondent to consider the petitioner for the post of Non Medical Supervisor in Government Primary Health Centre, Serndhamaram, Tirunelveli District.

2.Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.



3.The petitioner in order to get transfer in a post called Non Medical Supervisor at Primary Health Centre, Serndhamaram had attended the counselling on 17.05.2018, where, according to the learned counsel for the petitioner, the vacancy arose in that place has not been shown for the purpose of counselling. However, the learned counsel appearing for the petitioner would submit that one incumbent called Chithambaram worked in that place retired on 31.01.2018. The said post in the said place had been kept vacant and the same has not been shown in the list of vacant position in the counselling and therefore, the petitioner had given a representation immediately i.e. on the next day of the counselling on 18.05.2018, requesting the respondents to consider his candidature for transfer and posting to the Serndhamaram Primary Health Centre, where the post of Non Medical Supervisor is still vacant.

4.The learned counsel appearing for the petitioner would submit that if the said representation of the petitioner is directed to be considered and an order to that effect on merits is directed to be passed within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

5.I have heard the learned Special Government Pleader, who would submit that, the said representation of the petitioner dated 18.05.2018 would be considered on merits and an order to that effect would be passed on merits within a time frame that may be stipulated by this Court.

6.Considering the said submission made by both sides, this writ petition is disposed of with the following direction:

"The representation of the petitioner dated 18.05.2018 seeking transfer, as has been requested in the said representation, shall be considered by the first respondent, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and an order to that effect shall be passed and communicated to the petitioner."

7.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1.The Director of Public Health and
Preventive Medicine,
Anna Salai,
Teynampet,
Chennai - 06.

2.The Deputy Director of Health Services,
Sankarankovil,
Tirunelveli District.

+1CC to Mr.R.J.Karthick, Advocate in SR.No.66063,
+1CC to Special Government Pleader in SR.No.66113.

ARUL

DS/SKN-RSK/SAR-4 :25.05.2018: 3P/5C

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and
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