

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22477 of 2019
and
W.M.P.No.21878 of 2019

Dr.P.Priyadharshini

.. Petitioner

-vs-

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

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

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

... Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus to direct the
respondents to issue posting order to the petitioner as
Assistant Surgeon (Speciality) in the existing vacancies in
Krishnarayapuram GH and Mylappatti GH based on the
representation submitted by the petitioner dated 05.07.2019 with
consequential and other attendant benefits including salary
without any break in service.

For Petitioner : Mr.K.H.Ravikumar

For Respondents : Mr.V.Kadirvelu,
Special Government Pleader

O R D E R

This writ petition has been filed by the petitioner for
issuance of a Writ of Mandamus directing the respondents to
issue posting order to the petitioner as Assistant Surgeon
(Speciality) in the existing vacancies in Krishnarayapuram GH

and Mylampatti GH based on the representation submitted by the petitioner dated 05.07.2019, with consequential and other attendant benefits including salary without any break in service.

2. Heard Mr.K.H.Ravikumar, learned counsel for the petitioner and Mr.V.Kadirvelu, learned Government Advocate for the respondents.

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

4. The case of the petitioner is that the petitioner was appointed as Assistant Surgeon in Tamil Nadu Medical Service in the year 2011. She participated in the Competitive Examination conducted for admission to PG Medical Course and was selected and was given admission to M.S. (Oph) Degree Course in the year 2016 in Madurai Medical College as service candidate. She has completed 3 years P.G. Course in May 2019 and declared pass in M.S.(Oph). The respondents conducted transfer and posting counselling for service P.G.'s in the respective Speciality Department in DME/MDS side based on CML seniority. The transfer and posting counselling were conducted every year even before the completion of course in the month of January/February. The petitioner has been issued with posting order on 01.07.2019, by the 3rd respondent posting her in Central Prison for Women, Trichy. Based on the posting order dated 01.07.2019, she was relieved from the Madurai Medical College, Madurai on 04.07.2019, and subsequently, the petitioner reported before the Joint Director of Medical Services, Trichy to join the post of Assistant Surgeon (Speciality) in Central Prison for Women, Trichy, whereas she was informed that there was no vacancy in the post of Assistant Surgeon in the said Prison and the post was already occupied by some other Doctor and thereafter, she was not permitted to join the post. Therefore, she submitted a representation to the 3rd respondent on the same day, i.e., 05.07.2019 making it clear that she was not permitted to join the post in Central Prison for Women, Trichy and the same is duly reported to the respondents. She has also submitted the details of vacancies in Krishnarayapuram GH and Mylampatti GH to the respondents to consider her for posting in the existing vacancies. Till date the petitioner's representation dated 05.07.2019, has not been considered. Hence, the present writ petition.

5. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 05.07.2019, within a stipulated time frame.

6.Considering the limited prayer sought for by the petitioner, without going into the merits of the case, this Court directs the 3rd respondent to consider the petitioner's representation dated 05.07.2019, and pass orders on merits and in accordance with law, within a period of twelve weeks' from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CJ Conf)

//True copy//

Sub Assistant Registrar

abr

To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai-600 010.
- 3.The Director of Medical and Rural
Health Services,
Teynampet, Chennai-600 006.

+1cc to Mr.K.H.Ravikumar, Advocate SR.No.84907

W.P.No.22477 of 2019

PM (CO)
GMY (01/11/2019)

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