

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28199 of 2019
and
W.M.P.No.27870 of 2019

Dr.E.Bobby

.. Petitioner

Vs.

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

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

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to conduct and hold Restructuring Transfer Counselling for Medical Officers in the cadre of Assistant Professor / Senior Resident/ Tutor/ Junior Resident under the control of the respondent No.2 in the Department of Neurology by following state wide Civil Medical List (CML) Seniority within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Prakash

For Respondents : Mr.V.Kadirvelu

Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents to conduct and hold Restructuring Transfer Counselling for Medical Officers in the cadre of Assistant Professor / Senior Resident/ Tutor/ Junior Resident under the control of the respondent No.2 in the Department of Neurology by following state wide Civil Medical List (CML) Seniority.

2.The case of the petitioner is that the petitioner joined service in the Government Primary Health Centre, Kuruvikarambai, Thanjavur District as Assistant Surgeon in the year 2001. The Government has introduced a counselling system and issued guidelines from time to time for conducting

counselling for transfer and promotion of Medical / Para Medical personnel working in Health and Family Welfare Department, Tamilnadu. In this regard, the first respondent issued the Government order in G.O.(2D).No.131 dated 20.11.2007 laying down the guidelines for the counselling for transfer and promotion.

3.The learned counsel for the petitioner further submitted that the petitioner completed super specialty course in Neurology and posted as Tutor in the Department of Pathology, since there are only two sanctioned posts in the Department of Neurology which were already filled. The petitioner attended transfer counselling conducted by the second respondent every year in terms of G.O.(2D)No.131 dated 20.11.2007, seeking transfer to the Department of Neurology in Tirunelveli Medical College. But was not succeeded.

4.The grievance of the petitioner is that the second respondent has transferred two other newly appointed medical officers in the said post directly without conducting any counselling. While so, the first respondent has issued G.O. (4D) No.2 Health and Family Welfare (A1) Department, dated 15.02.2019, restructuring the posts Department wise and colleges wise as per the norms of the Medical Council of India in Tamil Nadu Medical Service including teaching posts in Directorate of Medical Education. Further, a circular was issued on 24.05.2019 by the second respondent, Directorate of Medical Education with regard to Specialty transfer counselling for Medical Officers in the cadre of Assistant Professor / Senior Resident/ Tutor/ Junior Resident who are under the control of the Directorate of Medical Education in Tamil Nadu Medical Service. But the second respondent conducted counselling for only one post instead of all the restructured posts in the Department of Neurology.

5.The learned counsel for the petitioner submitted that it is suffice if a direction to the respondents to conduct restructured transfer counselling within a time for the Medical Officers in the cadre of Assistant Professor / Senior Resident/ Tutor/ Junior Resident.

6.The learned Special Government Pleader on instructions submitted that the restructured transfer counselling for the Medical Officers in the cadre of Assistant Professor / Senior Resident/ Tutor/ Junior Resident will be conducted within a period of four weeks.

7.Recording the said submission of the Special Government Pleader, the respondents are directed to conduct restructured transfer counselling for the Medical Officers in the cadre of Assistant Professor / Senior Resident/ Tutor/ Junior Resident within a period of four weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

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

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

+1 CC to The Govt.Pleader sr 88679

+1 CC to Mr.Y. Prakash, Advocate sr 88424

W.P.No.28199 of 2019
and
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SSD(CO)
SP(13/11/2019)

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