

WP.No.32008 of 2019

M.DHANDAPANI,J.

The matter is listed under the caption "For being mentioned" at the instance of the learned counsel for the petitioner.

2.Learned counsel for the petitioner would submit that at the time of disposing of the petition, instead of first respondent, this Court directed the second respondent to consider the petitioner's request. However, the first respondent is not reflected in Para -6 of the order dated 13.11.2019 and request to extend further four weeks from the date on which the order copy is made ready and therefore, prays for necessary correction in the order.

3.Accordingly, Para -6 of the order dated 13.11.2019 shall read as follows:-

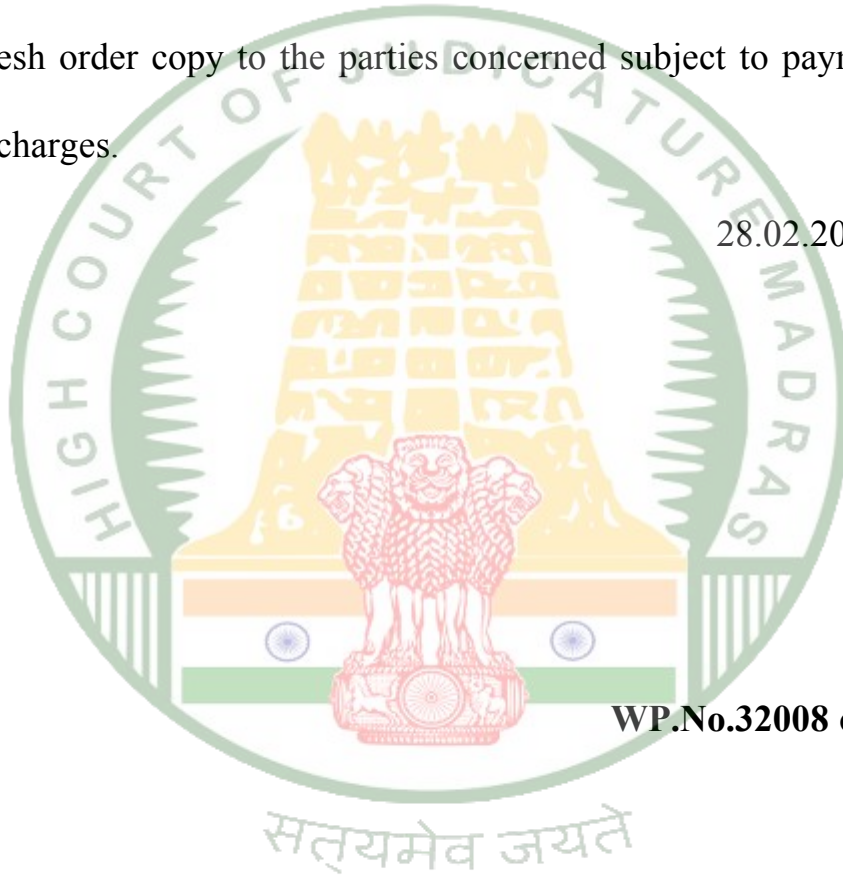
"6. In view of the above and considering the facts and circumstance of the case and also the fact that the petitioner had joined in the transferred place and made request to transfer her in any of the Departments near Cuddalore, this Court directs the first respondent to consider the petitioner's request and pass appropriate order after affording due opportunities to the petitioner on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order."

M.DHANDAPANI, J
jrs

4.The Registry is directed to carry out the above correction and re-issue fresh order copy to the parties concerned subject to payment of necessary charges.

28.02.2020

jrs



WP.No.32008 of 2019

WEB COPY

28.02.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 32008 of 2019
and WMP.No. 32257 of 2019

M.Sivasankari

..Petitioner

Vs

1.The Director of Medical Education,
O/o. the Director of Medical Education,
Kilpauk, Chennai-600010.

2. The Dean
Government Villupuram Medical College,
Villupuram & District.
Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for entire records connected with impugned order of transfer and posting issued by the 1st respondent vide his proceedings in Ref.No. 66299/E2/5/2019 dated 31.10.2019 and the consequential order of relieving issued by the 2nd respondent vide his proceedings in Ref.No. 4969/E2/2019 dated 31.10.2019 and quash the same and consequently direct the 1st respondent to re-transfer the petitioner to Government Villupuram Medical College, Villupuram.

For Petitioner : M/s. K. Thilageswaran

For Respondents : Mrs. R. Janaki, AGP

ORDER

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for entire records connected with impugned order of transfer and posting issued by the 1st respondent vide his proceedings in Ref.No. 66299/E2/5/2019 dated 31.10.2019 and the consequential order of relieving issued by the 2nd respondent vide his proceedings in Ref.No. 4969/E2/2019 dated 31.10.2019 and quash the same and consequently direct the 1st respondent to re-transfer the petitioner to Government Villupuram Medical College, Villupuram.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioners is that the petitioner was appointed as Steno Typist Grade-III on 09.10.2009 and promoted as Steno Typist Grade-II on 09.02.2015. By an order dated 31.10.2019, the 1st respondent transferred the petitioner from Villupuram Medical College Hospital to Directorate of Medical Education Chennai and on the same day she was relieved from Villupuram. Since the petitioner's two minor children who aged about 4 and 7 are studying in cuddalore and petitioner's husband also working as government servant in Cuddalore, the petitioner

made a request to the Department to transfer her in any of the Departments in Cuddalore. Sine the request of the petitioner was not considered, the petitioner has filed the present Writ Petition, challenging the order of the Transfer dated 31.10.2019.

4. The learned counsel for the petitioner submitted that the order of transfer is in violation of Rules. As per G.O (2) No. 131, Health and Family Welfare (A1) Department, dated 20.11.2007, for promotion/transfer of the medical para medical and non-medical staff under the administrative control of the Heal and Family Welfare Department, counselling has to be conducted. But in the present case, the transfer order was issued to the petitioner without conducting any counselling.

5. Learned counsel appearing for the petitioner further submitted though the present writ petition is filed to challenge the order of transfer issued to the petitioner, it would suffice, if this Court issues direction to the 2nd respondent to consider and pass orders on the request made by the petitioner.

M.DHANDAPANI,J.
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6. In view of the above and considering the facts and circumstances of the case and also the fact that the petitioner had joined in the transferred place and made request to transfer her in any of the Departments near Cuddlaore, this Court directs the 2nd respondent to consider the petitioner's request and pass appropriate orders after affording due opportunities to the petitioner 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. The writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

13.11.2019

Index : Yes/No
ak

To

1.The Director of Medical Education,
O/o. the Director of Medical Education,
Kilpauk, Chennai-600010.

2. The Dean

Government Villupuram Medical College,
Villupuram & District.

W.P.No.32008 of 2019
and WMP.No. 32257 of 2019