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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33600 of 2019

M.Manthira Lakshmi

... Petitioner

Vs.

1. The Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-9
2. The Director,
Medical and Rural Health Services,
D.M.S.Campus, Teynampet,
Chennai-600 006.
3. The Director,
Director of Public Health,
D.M.S.Campus, Teynampet,
Chennai-600 006.
4. The Director,
Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai-10.

...Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 22.11.2018 and transfer the petitioner from Barur Primary Health Center, Barur, Krishnagiri District to the ESI Dispensary Kovilpatti or ESI Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to the petitioner's native place.



For Petitioner : M/s.R.K.Gandhi

For Respondents : Mr.R.S.Selvam, Govt.Advocate

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O R D E R

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was selected as staff nurse on interview conducted by the 2nd and 3rd respondents and appointed as staff nurse upon consolidated pay on 09.03.2011 at Government Primary Health Centre, Puduchatram, Cuddalore District. Her service was regularized by the 2nd respondent and posted her as staff nurse at Barur Primary Health Centre, Pochampalli Taluk, Krishnagiri District on 22.12.2018. The petitioner has some problem with her husband and staying separately. Her female child is six years old and studying in the 2nd standard and staying with her grand parents which is 500 km away from the house of the petitioner. Hence, the petitioner made a representation to the respondents herein to transfer the petitioner to ESI Dispensary Kovilpatti or ESI Thoothukkudi or Government Medical College Hospital or any one of the Urban Primary Health Centres at Thoothukkudi District which is nearest to the petitioner's native place. But the representation of the petitioner was not considered till date. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 22.11.2018, within a reasonable time fixed by this Court.

4.The learned Government Advocate appearing for the respondents would accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 22.11.2018 and pass appropriate 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.



6. With the above directions, the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To.

1. The Secretary,
Health and Family Welfare Department,
Secretariat,
Fort St.George, Chennai-9
2. The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet, Chennai-600 006.
3. The Director,
Director of Public Health,
D.M.S.Campus,
Teynampet, Chennai-600 006.
4. The Director,
Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai-10.

+1cc to M/s.R.K.Gandhi, Advocate, S.R.No.99871
+1cc to Government Pleader, S.R.No.100445

W.P.No.33600 of 2019

PM(CO)
CS/13/01/2020