

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.04.2019

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8863 of 2019**

R.Thilagavathy Jeyaraj

... Petitioner

Vs.

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

2.The Director of Medical Education,
162, Poonamalle High Road,
Kilpauk, Chennai - 600 010.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent/Secretary to consider and pass orders on the representation submitted by the petitioner on 01.04.2019 requesting to transfer the petitioner from the Government Hospital, Manamelgui, Pudukottai District to the Government Rajaji Hospital, Madurai in the existing available vacancy, by considering her severe health problems and further treatment for her survival.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.S.Angappan,
Government Advocate.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the first respondent to consider and pass orders on the representation of the petitioner, dated 01.04.2019 requesting to transfer the petitioner from the Government Hospital, Manamelgui, Pudukottai District to the Government Rajaji Hospital, Madurai in the existing available vacancy, by considering her severe health problems and further treatment for her survival.



2. Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. The grievance of the petitioner is that she joined as Staff Nurse in the Government Head Quarters Hospital, Dindigul on 15.09.1992 and she was transferred to the Government Rajaji Hospital, Madurai. The further grievance of the petitioner is that though she was promoted as Nursing Superintendent Grade - II and transferred from the Government Rajaji Hospital, Madurai to the Government Hospital, Manamelgudi, Pudukottai District, vide proceedings of the third respondent, dated 26.06.2018, due to severe health problems, she was not able to join duty in the said Government Hospital, Manamelgudi and applied for Medical Leave and subsequently, she was relieved from the Government Rajaji Hospital, Madurai and joined duty in the said Government Hospital, Manamelgudi on 08.03.2019. On account of her health condition and further treatment for her survival, the petitioner sent a representation to the respondents on 01.04.2019, to transfer her to the Government Rajaji Hospital, Madurai in the existing available vacancies. Since no action has been forthcoming, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner would be considered by the first respondent on merits.

5. In view of the above submission, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner, dated 01.04.2019 seeking transfer and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Rep. by the State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.

2. The Director of Medical Education,
162, Poonamalle High Road,
Kilpauk, Chennai - 600 010.

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

+1CC TO MR.S.XAVIER RAJINI, Advocate Sr. No.60859
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.61218

W.P(MD)No.8863 of 2019
12.04.2019

DB(CO)
TR (02.05.2019) 3P 6C