



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD)No.12426 of 2019
and
W.M.P. (MD)No.9276 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.

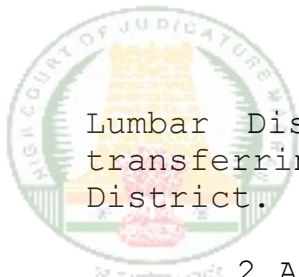
3.The Director of Medical and Rural Health Services,
Chennai - 600 006. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to accommodate the petitioner as Nursing Superintendent Grade - II in the Government Rajaji Hospital, Madurai, in any one of the five existing vacancies, considering her severe health problems, i.e., Pain in Cervical and Lumbar Disc and further treatment for her survival, by way of transferring from the Government Hospital, Manamelgudi, Pudukottai District.

For Petitioner	: Mr.S.Xavier Rajini
For Respondents	: Mr.Aayiram K.Selvakumar
	Additional Government Pleader

ORDER

The petitioner has come up with the present Writ Petition seeking a direction to the respondents to accommodate the petitioner as Nursing Superintendent Grade - II in the Government Rajaji Hospital, Madurai, in any one of the five existing vacancies, considering her severe health problems, i.e., Pain in Cervical and



Lumbar Disc and further treatment for her survival, by way of transferring from the Government Hospital, Manamelgudi, Pudukottai District.

2. According to the learned counsel appearing for the petitioner, the petitioner has already filed W.P.(MD)No.8863 of 2019 before this Court seeking the very same relief as prayed for in the present Writ Petition and this Court, vide order dated 12.04.2019, directed the first respondent to consider the representation of the petitioner, dated 01.04.2019 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 that order, after affording an opportunity of hearing to the petitioner. Further, in the present Writ Petition, this Court, vide order dated 03.06.2019, directed the respondent Department to keep one post vacant in any one of the five existing vacancies of Nursing Superintendent Grade - II in the Government Rajaji Hospital, Madurai, for the petitioner and directed the learned Additional Government Pleader to get instructions with regard to compliance of the order passed by this Court, dated 12.04.2019, in W.P.(MD)No.8863 of 2019.

3. Today, when the matter is taken up for hearing, Mr. Aayiram K. Selvakumar, learned Additional Government Pleader appearing for the respondents, has produced a copy of the letter of the third respondent, dated 15.07.2019, wherein, it has been stated that due to the health conditions of the petitioner, she is not in a position to work in larger Institution, like Government Rajaji Hospital, Madurai, which has large number of inpatient and outpatient attendance and therefore, she may be posted to any one of the smaller Institutions in and around Madurai with lesser bed strength, which will be better to take care of her health and for further medical treatment.

4. The learned counsel appearing for the petitioner is also agreeable for the said course of action and to make a request to the respondents for issuing posting order to the petitioner in any one of the smaller Institutions in and around Madurai with lesser bed strength as stated by the third respondent.

5. Recording the above said submission and the letter of the third respondent, dated 15.07.2019, this Court directs the petitioner to make a representation to the respondents within a period of one week from the date of receipt of a copy of this order. If any such application is received, the respondents shall consider the request of the petitioner and to issue posting order to her to any one of the smaller Institutions in and around Madurai, as stated by the third respondent, in her letter dated 15.07.2019, within a period of two weeks thereafter. Till the final orders are passed, the interim order already granted by this Court dated 03.06.2019, shall be in force.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government 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.

+1 CC to M/s.S. XAVIER RAJINI, Advocate (SR-82773[F] dated
21/08/2019)

+1 CC to M/s.SPL GP (SR-83336[F] dated 26/08/2019)

W.P. (MD) No.12426 of 2019
21.08.2019

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JM/28.08.2019/3P/6C