

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12049 of 2020

Joyce Rastus

... Petitioner

-vs-

1.The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-09.

2.The Director,
Medical and Rural Health Services,
D.M.S. Campus,
Teynampet, Chennai - 600 006.

3.The Director,
Director of Medical Education,
Poonamallee High Road,
Kiilpauk, Chennai-10.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner representations dated 18.09.2019 and 23.07.2020 and transfer the petitioner from Government Hospital Arakkonam, Ranipet District to the Government Dr.Rajivgandhi Medical College Hospital, Chennai or Government Kilpauk Medical College Hospital, Chennai or Government Hospital Royapettah, Chennai or any one Government Hospital or any one Urban Primary Health Centers at Chennai District.

For Petitioner

: Mr.R.K.Gandhi

For Respondents

: Mr.Karthikeibalan
Special Government Pleader

O R D E R

The petitioner has come forward with the prayer, seeking a direction to the respondents to consider the petitioner representations dated 18.09.2019 and 23.07.2020 and transfer the petitioner from Government Hospital Arakkonam, Ranipet District to the Government Dr.Rajiv Gandhi Medical College Hospital, Chennai or Government Kilpauk Medical College Hospital, Chennai or Government Hospital Royapettah, Chennai or any one Government Hospital or any one Urban Primary Health Centers at Chennai District.

2. It is represented by the Karthikeibalan, learned Special Government Pleader appearing on behalf of the respondents that the writ petition is not maintainable, as the petitioner cannot seek transfer from one place to another place by way of mandamus. He further submits that there are no vacancies in the place where the petitioner sought for in this writ petition.

3. I find much force in the contention raised by the respondents, as the petitioner, as a matter of right, cannot demand transfer from one place to another and any such request would be considered only upon consideration of circumstances prevalent, by the concerned authority. However, the petitioner merely sought for a direction to consider her representation and issuance of direction for disposal of her representation cannot be construed as an order of transfer, but an observation only.

4. Hence, the Writ Petition is disposed of, with a direction to the respondents to consider the representations dated 18.09.2019 and 23.07.2020 of the petitioner and pass orders thereon within a period of four weeks from the date of receipt of a copy of this order in accordance with law. It is made clear that this Court has not given any positive direction to transfer the petitioner from one place to another, which is purely administrative in nature and it is for the concerned respondent to analyze the reasons adduced by the petitioner in support of her transfer and take a decision in one way or the other, as it is obligatory on the part of the respondents to dispose of the representation without sleeping over it endlessly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

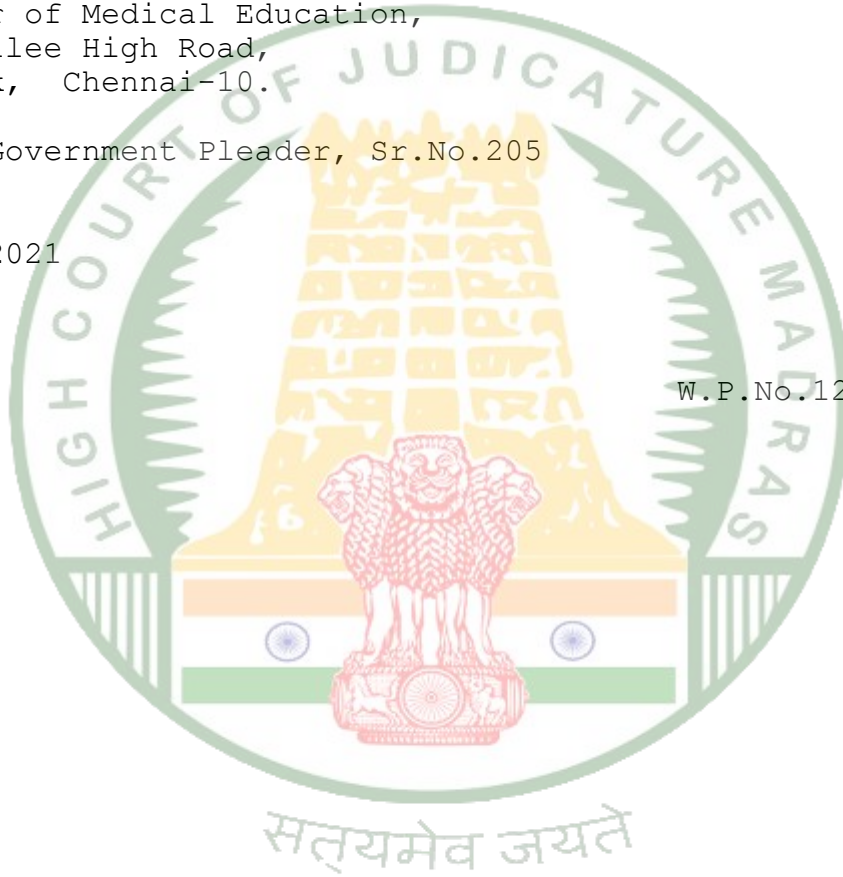
vum

To

- 1.The Secretary,
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Fort St. George, Chennai-09.
 - 2.The Director,
Medical and Rural Health Services Department,
D.M.S. Campus,
Teynampet, Chennai - 600 006.
 - 3.The Director,
Director of Medical Education,
Poonamallee High Road,
Kiilpauk, Chennai-10.
- +1 CC.to Government Pleader, Sr.No.205

PVS (CO)
SM/23/02/2021

W.P.No.12049 of 2020



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