



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.16302 of 2021

and

WMP.Nos.17263 & 17264 of 2021

[Video Conferencing]

R. Kanthari

...Petitioner

Vs

1.The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai - 9.

2.The Director of Medical Education,
Kilpauk, Chennai - 10.

3.The Director of Public Health &
Preventive Medicine,
Chennai - 6.

4.The Director of Medical & Rural Health Services,
Chennai - 6.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in connection with the impugned order passed by him in Ref.No.16500/N1/2021-1 dated 28.05.2021 and the order of the 3rd respondent in R.No.53321/PHC7/A1/2021 dated 28.06.2021 and quash the same and direct the respondents to consider the request of the petitioner for a transfer to any one of the hospitals in Tuticorin District on humanitarian grounds within a reasonable time.



WEB COPY

For Petitioner : Mr.Venkataramani, Sr. Counsel
for Mr.M.Muthappan

For Respondents : Mr.S.Arumugam,
Government Advocate

ORDER

1. By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal and is disposed of by this order.
2. Mr.S.Arumugam, learned Government Advocate, accepts notice on behalf of the respondents in the writ petition.
3. The petitioner has filed the present writ petition seeking for issuance of a Writ of Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in Ref.No.16500/N1/2021-1 dated 28.05.2021 and the order of the 3rd respondent in R.No.53321/PHC7/A1/2021 dated 28.06.2021 and quash the same and direct the respondents to consider the request of the petitioner for a transfer to any one of the hospitals in Tuticorin District on humanitarian grounds within a reasonable time.
4. This Court heard the submissions of the learned counsel on either side and perused the materials placed before it.
5. Though the prayer in this writ petition is for a larger relief, the learned counsel for the petitioner has confined his argument to the limited extent of directing the fourth respondent to consider the request of the petitioner for a transfer to any one of the hospitals in Tuticorin District on humanitarian grounds within a reasonable time.
6. This Court considering the limited prayer now sought for by the learned counsel for the petitioner, without going into the merits of the case, directed the petitioner to submit a fresh representation to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent is directed to consider the fresh representation of the petitioner on merits and in accordance with law and pass appropriate orders within 12 weeks thereafter and communicate the decision taken, to the petitioner herein.



7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

gv

To

1.The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai - 9.

2.The Director of Medical Education,
Kilpauk, Chennai - 10.

3.The Director of Public Health &
Preventive Medicine,
Chennai - 6.

4.The Director of Medical & Rural Health Services,
Chennai - 6.

+1cc to M/s.M.Muthappan, Advocate SR.No.38664

+1cc to the Government Pleader SR.No.39412

W.P.No.16302 of 2021
and
WMP.Nos.17263 & 17264 of 2021

PMK(CO)
RVM(24/08/2021)