



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.11046 of 2021

and

W.M.P(MD)Nos.8675 and 8676 of 2021

WEB COPY

Dr.Umamaheswaran

... Petitioner

Vs.

1.The Principal Secretary,
Department of Medical and Family Welfare,
Secretariat,
St. George Fort, Chennai.

2.The Directorate of Medical Education,
O/o.The Directorate of Medical Education,
Kilpauk, Chennai.

3.The Dean,
Government Theni Medical College Hospital,
Theni.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned circular in Ref.No.311/E1/(1)/2021, dated 30.06.2021 of the third respondent and quash the same as unconstitutional and illegal and re-post the petitioner from Virudhunagar Medical College to Madurai Medical College as a Senior Resident in Orthopaedics.

For Petitioner : Ms.A.Rajini

For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner has come out with the present writ petition challenging the impugned circular of the third respondent, dated 30.06.2021 in Ref.No.311/E1/(1)/2021, and to re-post the petitioner from Virudhunagar Medical College to Madurai Medical College as a Senior Resident in Orthopaedics.

2. According to the petitioner, he has filed a writ petition in W.P.(MD)No.10048 of 2021 challenging the order of transfer. In the
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said writ petition, the petitioner has also sought for an order of interim stay of his transfer order posting him from Theni District to Virudhunagar District and posting of the respondents 4 to 7 therein. This Court, by order, dated 11.06.2021, ordered notice to the respondents 4 to 7 therein, permitting the petitioner to take private notice and also directed the learned Government Advocate to take notice for the respondents 1 to 3 and to get instructions and this Court has not granted any interim stay of transfer order. Consequent to the order of transfer, the third respondent directed the petitioner to join duty in the transferred place physically on 01.07.2021. Challenging the said order, the petitioner has come out with the present writ petition.

3. According to the petitioner, the writ petition in W.P(MD) No.10048 of 2021 filed by him challenging the order of his transfer and transfer of the respondents 4 to 7 therein is pending before this Court. The petitioner due to disc prolapse and severe cervical pain, is on medical leave and therefore, he could not join at the transferred place and prayed for stay of the impugned transfer order. This Court, in the earlier writ petition in W.P(MD)No.10048 of 2021, filed by the petitioner challenging his transfer and transfer of the respondents 4 to 7 therein, has not granted any interim stay as prayed for by the petitioner. This Court, by order, dated 11.06.2021 permitted the learned Government Advocate to take notice for the respondents 1 to 3 and directed to get instructions and ordered notice to the respondents 4 to 7 therein and permitted the learned counsel appearing for the petitioner to take private notice. In view of the same, there is no error in the impugned order of the third respondent. When there is no stay for the order of transfer, the petitioner is bound to join in the transferred place.

4. For the above reason, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Department of Medical and Family Welfare,
Secretariat,
St. George Fort, Chennai.

2.The Directorate of Medical Education,
O/o.The Directorate of Medical Education,
Kilpauk, Chennai.

3.The Dean,
Government Theni Medical College Hospital,
Theni.

+1 CC to M/s.SPL GP (SR-21698[F] dated 08/07/2021)

W.P. (MD)No.11046 of 2021
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RK (19.07.2021) 3P 5C