



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.15969 of 2021

Shyamala, ... Petitioner

vs.

1.The Director of Medical and Rural Health Services,
Chennai - 6

2.The Deputy Director of Health Service,
Dindigul District,
Palani.

3.The Medical Officer,
Government Primary Health Centre,
Guziliyamparai, Palani,
Dindigul District.

4.Kala,
W/o.Not Known,
Government Primary Health Centre,
Guziliyamparai, Palani,
Dindigul District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 04.08.2021 in the light of the guidelines issued in G.O.Ms.No.(2D). No.131 Health & Family Welfare Department dated 20.11.2007 in filling up the post of staff nurse at the 3rd respondent Hospital and consequently post/transfer the petitioner being the senior most candidate eligible to be considered to be transferred to the post of Nurse at the 3rd respondent Hospital.

For Petitioner : Mr.M.Boopathi Pandiyan
For R-1 to 3 : Mr.S.Shanmugavel
Counsel for State.



O R D E R

This Writ Petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 04.08.2021 in the light of the guidelines issued in G.O.Ms.No.(2D).No.131 Health & Family Welfare Department dated 20.11.2007 in filling up the post of staff nurse at the 3rd respondent Hospital and consequently post/transfer the petitioner being the senior most candidate eligible to be considered to be transferred to the post of Nurse at the 3rd respondent Hospital.

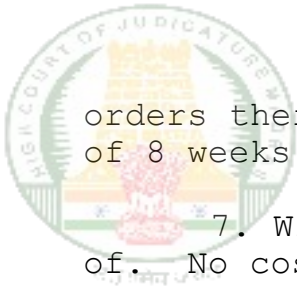
2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, she is working as a Staff Nurse and she has been transferred and worked at various places for the past 14 years and at present, she is working at Primary Health Centre at K., Keeranur since transferred from the Government Hospital, Kangeyam, Erode District on 04.03.2016. The grievance of the petitioner is that due to Covid-19 outbreak, for the past few years, there has been no counselling of transfer in respect of Staff Nurses. Later, vide proceedings dated 21.04.2021, directed the Staff Nurses to apply for transfer counselling. Pursuant to the same, the petitioner applied and requested to transfer her to Dindigul Medical College Hospital or Government Primary Health Centre, Guziliyamparai, Palani/3rd respondent office. The grievance of the petitioner is that despite vacancies were existing, the petitioner was not posted in the above said places but her junior was transferred. Hence, the petitioner made a detailed representation to the respondents on 04.08.2021, requesting them to transfer her in the above mentioned places. However, during the counselling conducted on 25.08.2021, the respondents refused to transfer the petitioner but her senior was transferred. Hence the Writ Petition.

5. The learned counsel for the respondents would submit that if the representation made by the petitioner is otherwise in order and pending with the respondents, the same would be considered and disposed of in accordance with law within a reasonable time as directed by this Court.

6. In view of the submissions made by the learned counsel on either side, and also considering the limited scope of the prayer as sought by the petitioner, without expressing any opinion on merits, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 04.08.2021 and pass appropriate



orders therein in accordance with law and on merits, within a period of 8 weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Director of Medical and Rural Health Services,
Chennai - 6

2.The Deputy Director of Health Service,
Dindigul District,
Palani.

3.The Medical Officer,
Government Primary Health Centre,
Guziliyamparai, Palani,
Dindigul District.

+1 CC to M/s.SPL GP (SR-28517[F] dated 08/09/2021)

Order made in
W.P.(MD) No.15969 of 2021
07.09.2021

GC(20.09.2021) 3P 5C