



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11563 of 2022

and

W.M.P.No. 11047 of 2022

Mrs. M. Sivaselvam

... Petitioner

Vs.

1. The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 9.
2. The Director,
Medical and Rural Health Services,
D.M.S. Campus,
Teynampet,
Chennai - 600 006.
3. The Director,
Director of Medical Education,
Poonnamallee High Road, Kilpauk,
Chennai - 10.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent proceeding in letter No. 101571/N1/2019, dated 31.01.2020, and quash the same and to issue consequential directions to the second and third respondents to transfer petitioner from Rajivgandhi Government Hospital, Chennai Central, Chennai -03, to the ESI Dispensary Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to petitioner native place.



For Petitioner : Mr. R.K.Gandhi

For Respondents : Mr. S. Rajesh
Government Advocate

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ORDER

This writ petition is filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent proceeding in letter No. 101571/N1/2019, dated 31.01.2020, and quash the same and to issue consequential directions to the second and third respondents to transfer petitioner from Rajivgandhi Government Hospital, Chennai Central, Chennai -03, to the ESI Dispensary Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to petitioner native place.

2. According to the petitioner, she is working as Staff Nurse at Rajivgandhi Government Hospital, Chennai Central. Due to family circumstances, she has made a request to the respondents to transfer her to Thoothukkudi District. The said representation was not considered by the respondent department. Aggrieved by the same, on an earlier occasion, she had filed writ petition before this Court in W.P.No.32894 of 2019. This Court, by order dated 25.11.2019, directed the respondents to consider her representation of the petitioner, but the third respondent had rejected her request since there were no vacancies in the Thoothukkudi District, which is the subject matter in the present writ petition. Hence, the petitioner has filed the instant writ petition

3. According to the petitioner, his request was not considered by the third respondent and rejected the same.

4. According to the learned Government Pleader appearing for the respondent, on oral instructions, informed the Court that there is no vacancy available in the Thoothukudi Medical College Hospital Thoothukudi.

5. In view of the above submissions, that there is no vacancy in the said Thoothukudi Medical College Hospital Thoothukudi, this Court cannot interfere with the said order



passed by the third respondent. Therefore, this writ petition stands dismissed. If any vacancy arises in future, the petitioner can approach the authority concerned and request for the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

(mrn)

To

1. The Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai - 9.
2. The Director,
Medical and Rural Health Services,
D.M.S. Campus,
Teynampet, Chennai - 600 006.
3. The Director,
Director of Medical Education,
Poonnamallee High Road, Kilpauk,
Chennai - 10.

+1cc to Mr. R.K.Gandhi, Advocate, S.R.No.37383
+1cc to the Government Pleader, S.R.No.38271

W.P.No.11563 of 2022
and
W.M.P.No. 11047 of 2022

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NSK/05/07/2022