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W.P.Nos.13814 and 13820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos. 13814 and 13820 of 2022

and

W.M.P.No.13101, 13102, 13104, 13106,
13107 and 13110 of 2022

R.Janaki ... Petitioner in W.P.No.13814/2022

M.Shanmuga ... Petitioner in W.P.No.13820/2022

vs.

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

2.The Director of Medical and Rural Health Services
DMS Compound, Chennai - 6.

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

4.The Hospital Superintendent
Government Headquarters Hospital
Virudhunagar.

... Respondents (in both WPs)



W.P.Nos.13814 and 13820 of 2022

Prayer in W.P.No.13814 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order passed by him in Ref.No.37486/N1/2022 dated 09.05.2022, received on 15.05.2022 and quash the same, in so far as the Petitioner is concerned and direct the respondents to permanently transfer the petitioner to Government Headquarters Hospital, Virudhunagar, Virudhunagar District or any place in Virudhunagar District, based on the directions issued by this Court in W.P.No.3134 of 2018, dated 13.02.2018.

Prayer in W.P.No.13820 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order passed by him in Ref.No.37486/N1/2022 dated 09.05.2022, received on 15.05.2022 and quash the same, in so far as the Petitioner is concerned and direct the respondents to permanently transfer the petitioner to Government Medical College Hospital, Thoothukudi District.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
(in both WPs)

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
(in both WPs)



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COMMON ORDER

These Writ Petitions have been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order passed by him in Ref.No.37486/N1/2022 dated 09.05.2022, received on 15.05.2022 and quash the same, in so far as the petitioners are concerned and to direct the respondents to permanently transfer the petitioners to Government Headquarters Hospital, Virudhunagar, Virudhunagar District or any place in Virudhunagar District, based on the directions issued by this Court in W.P.No.3134 of 2018, dated 13.02.2018 and to Government Medical College Hospital, Thoothukudi District, respectively.

2. According to the petitioners, the petitioners were appointed as Staff Nurse on contract basis by the 2nd respondent and posted at Government Primary Health Centre, Kalkurichi, Virudhunagar District and Government Primary Health Centre, Sankarandampalayam, Dharapuram HUD, Erode District, respectively. Thereafter, they were posted at Thiruvarur Medical College and Hospital, Thiruvarur District, respectively. Thereafter, they made



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a request to transfer them to Virudhunagar District and Thoothukudi District, respectively. Considering the same, they were posted at their respective place on deputation and they have joined in the concerned Government Hospital and they had been working for more than 4 and 6 years, respectively in the said place.

3. At this stage, the 3rd respondent has passed the impugned order dated 09.05.2022 informing that the deputation orders issued to the following Staff Nurses of Thiruvarur Medical College and Hospital, Thiruvarur to various institutions under the control of the Directorate of Medical Education and Directorate of Medical and Rural Health Services, Chennai, are hereby treated as withdrawn. Challenging the said impugned order, the petitioners have filed the instant writ petitions before this Court.

4. According to the petitioners, they were working as Staff Nurse in Government Primary Health Centre, Kalkurichi, Virudhunagar District and Government Primary Health Centre, Sankarandampalayam, Dharapuram HUD, Erode District, respectively. In view of the said impugned order, the petitioners are facing some family problem to take care of their parents-in-



law and the minor child. Therefore, the said withdrawal of the impugned order passed by the 3rd respondent has required for reconsideration by taking into consideration of their humanity and sympathy by the 3rd respondent.

5. The learned Additional Government Pleader appearing for the respondents submitted that if any particular written request made by the petitioners to the concerned authorities by pointing their difficulties to transfer from their respective place, the concerned authorities will take appropriate decision, if any vacancies in the said districts either in Virudhunagar and Thoothukudi or the nearby district.

6. In view of the above said submissions made by the parties and considering the difficulties faced by the petitioners, this Court is inclined to pass orders as follows:-

(i) The petitioners are directed to make a request before the Director of Medical Education, Chennai/3rd respondent herein for withdrawal of the said impugned order, within a period of two weeks from the date of receipt of a copy of this order.



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(ii) On such representation being made, the Director of Medical Education, Chennai/3rd respondent is directed to consider and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of eight weeks thereafter.

7. With the above directions, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

28.06.2022

Index : Yes / No
Speaking Order : Yes / No
dm



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To

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D.KRISHNAKUMAR. J

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