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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16576 of 2022

Dr.S.B.Sivathanu ... Petitioner

Vs.

1. State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   Health and Family Welfare Department,
   Fort St. George, Secretariat, Chennai 600 009.

2. The Director of Medical Education,
   Kilpauk, Chennai 600 010. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pass orders for transfer and posting of the petitioner as Senior Resident in Ophthalmology in Tirunelveli Medical College in the existing vacancy, based on the representation submitted by the petitioner, in accordance with the Government Order in G.O.(2D) No.131, Health and Family Welfare Department dated 20.11.2007, within a time frame, to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.Arunkumar, Addl.Govt.Pleader for R1 and R2

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ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pass orders for transfer and posting of the petitioner as Senior Resident in Ophthalmology in Tirunelveli Medical College in the existing vacancy, based on the representation submitted by the petitioner, in accordance with the Government Order in G.O.(2D) No.131, Health and Family Welfare Department dated 20.11.2007, within a time frame, to be fixed by this Court.

2. The petitioner is working in the Department of Opthalmology in Tirunelveli Medical College. At the time of Counseling for transfer and promotion, conducted on 25.05.2022, the petitioner has submitted his representation to include his name in the seniority list drawn in respect of Ophthalmology Department, based on Station Seniority, as per G.O.(2D) No.131 dated 20.11.2007. Though the counselling was conducted on 25.05.2022, inview of the objections raised by the petitioner, the post of Senior Resident in Opthalmology in Tirunelveli Medical College has been kept vacant, pending consideration of his

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representation. However, his representation was not considered till date. Hence this writ petition.

3. The learned Counsel appearing for the petitioner submitted that the petitioner is the Senior most person in the Department of Opthalmology in the State and hence, direction may be given to the respondent concerned to transfer and post the petitioner in the existing vacancy for the post of Senior Resident in the Opthalmology in Tirunelveli Medical College.

4. The learned Additional Government Pleader submitted that, if there is any vacancy for the post of Senior Resident in Opthalmology Department in Tirunelveli Medical College, the petitioner's representation will be considered and appropriate orders will be passed by the authorities concerned.

5. Inview of the above, it is ordered as follows.

i) If there is any vacancy for the post of Senior Resident in Opthalmology Department in Tirunelveli Medical College, the first

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respondent is directed to consider the representation of the petitioner dated 25.05.2022, and to pass orders on its own merits, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

05.07.2022

Index:Yes/No
Internet:Yes/No
mst

To

1. The Principal Secretary to Government,
   State of Tamil Nadu,
   Health and Family Welfare Department,
   Fort St. George, Secretariat, Chennai 600 009.

2. The Director of Medical Education,
   Kilpauk, Chennai 600 010.

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D. KRISHNAKUMAR, J.

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