



WEB COPY



W.P.No.28505 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28505 of 2022

and

W.M.P.No. 27817 & 27819 of 2022

Dr.S.B.Sivathanu

..Petitioner

-Vs-

1. State of Tamil Nadu,
rep. by tis 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.

3. Dr.V.Uma,
Senior Resident,
Department of Ophthalmology,
Tirunelveli Medical College,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus to call for the records relating to
the impugned order issued by the 2nd respondent in

<https://www.mhc.tn.gov.in/judis> Ref.No.26140/E3/1/2022 dated 18.08.2022 and the consequential transfer



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order issued by the 2nd respondent in favour of 3rd respondent in

Ref.No.26140/E3/1/2022 dated 26.08.2022 and to quash the same and

consequently direct the respondents to consider the petitioner for posting as

Senior Resident in Ophthalmology in Tirunelveli Medical College as per

the transfer counseling conducted on 25.05.2022, in compliance with the

Letter issued by the 1st respondent in Letter No.20504/B1/2022-4 dated

08.08.2022 or in alternative to consider and posting the petitioner in the

existing vacancy to the post of Assistant Professor in Ophthalmology in

Kanyakumari Medical College and Hospital within a time frame to be fixed

by this Hon'ble Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.U.M.Ravichandran,
Special Government Pleader
for R1 & R2.

ORDER

The petitioner has challenged the impugned order dated 18.08.2022 passed by the 2nd respondent rejecting the petitioner's representation seeking 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, Health & Family Welfare Department, dated 20.11.2007.



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been filed as a document, has requested the 2nd respondent to take a decision for transferring the petitioner to Kanyakumari Government Medical College in the Ophthalmology Department, in case of vacancy arising there in the near future.

3. According to the learned counsel for the petitioner, till date, no decision has been taken, despite the letter of the 1st respondent dated 08.08.2022. Learned counsel for the petitioner on instructions, would submit that the petitioner, for the present, will be satisfied if a decision is taken on his representation seeking for transfer to Kanyakumari Medical College & Hospital and in case, if any adverse orders is passed, based on his representation, he may be given liberty to challenge the same in a manner known to him under law.

4. No prejudice would be caused to the respondents if such a direction is issued to the 2nd respondent to pass final orders, based on the proceedings dated 08.08.2022 issued by the 1st respondent within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the 2nd respondent to



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proceedings of the 1st respondent dated 08.08.2022 requesting the 2nd respondent to consider the representation of the petitioner for being transferred to the Kanyakumari Medical College & Hospital, within a period of six weeks from the date of receipt of a copy of this order. In case, if any adverse orders are passed against the petitioner, liberty sought for by the petitioner is granted.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.10.2022

Speaking/Non-speaking order

Index: Yes/No

vsi

To

1. The 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.



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ABDUL QUDDHOSE,J.

Vsi

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