



W.P.No.30384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30384 of 2022

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Anto Prabeena

.. Petitioner

Vs.

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

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

3. The Director,
Public Health and Preventive Medicine,
DMS Compound, Chennai-6.

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

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 25.06.2022 for a transfer to any one of the hospitals in Kanyakumari District within a reasonable time.

For petitioner : Mr.M.Muthappan

For respondents: Mr.Stalin Abhimanyu, Addl.G.P.



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ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents to consider the representation of the petitioner dated 25.06.2022 for transfer from Coimbatore Government Hospital to any of the hospitals in Kanyakumari District, within a time frame to be fixed by this Court.

2. The petitioner is working as a Staff Nurse in the Government Hospital, Coimbatore. According to her, she has got two children and one of the children is suffering from Kidney ailment. She is a native of Kanyakumari District and her parents are residing there. It is also her case that she has been separated from her husband and therefore, it is difficult for her to maintain the children at Coimbatore. In such circumstances, she has given a representation on 25.06.2022 to the respondents requesting for transferring her to any one of the Government Hospitals in Kanyakumari District from the Government Hospital, Coimbatore. It is also contended that, earlier, she had filed a Writ Petition seeking for the same relief in the year 2020 and the same was dismissed on the ground that there are no vacancies in the Hospitals at Kanyakumari District. It is now contended by the petitioner that there are now two vacancies in the Government Hospital at Kanyakumari District @ Nagercoil. In such circumstances, learned counsel for the petitioner stated that her representation can be considered on merits and in accordance with law by the respondents.



Since the representation, dated 25.06.2022 has not been considered till date, the petitioner has filed the present Writ Petition.

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3. Heard both sides and perused the materials available on record.

4. No prejudice would be caused to the respondents if the petitioner's representation stated supra, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. The petitioner claims that she is having two children and one of the children is suffering from Kidney ailment and she claims that she has been living separately from her husband and it will be better if she is transferred to Kanyakumari District @ Nagercoil where her parents are residing, who can take care of the children and the petitioner will also be able to give company and care to the children.

6. For the aforementioned reasons, this Court directs the second respondent to consider and pass final orders on merits and in accordance with law on the petitioner's representation dated 25.06.2022, requesting for transfer from Coimbatore Government Hospital to Kanyakumari District @ Nagercoil, within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-9,
2. The Director of Medical Education,
Kilpauk, Chennai-10.
3. The Director,
Public Health and Preventive Medicine,
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ABDUL QUDDHOSE, J

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