



WEB COPY

W.P.No.30371 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30371 of 2022
and
W.M.P.No.29821 of 2022

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Dr.S.Malini, MBBS, DPM

.. Petitioner

Vs.

1. Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
2. Director of Medical Education,
EVR Periyar High Road,
Kilpauk, Chennai-600 010.
3. The Dean,
Kilpauk Medical College & Hospital,
Chennai-600 010.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 17.10.2022 in Ref.No.69350/E3/3/2022 issued by the second respondent and quash the same and consequently permit the petitioner to work in the third respondent-institution in Chennai where her husband is employed as a Government servant.

For petitioner : M/s.S.Thanka Sivan

For respondents: Mr.U.M.Ravichandran, Spl.G.P.



ORDER

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This Writ Petition has been filed challenging the impugned order dated 17.10.2022, under which, the deputation order earlier issued in favour of the petitioner to work at Kilpauk Medical College, Chennai-600 010, has been withdrawn.

2. The petitioner was earlier deputed to Chennai from Trichirapalli by proceedings of the Director of Medical Education, dated 19.02.2020. She has been working in Chennai from March 2020 onwards. However, according to the petitioner, arbitrarily and illegally, and as a vindictive measure, due to the fact that the petitioner has lodged a compliant against the third respondent with regard to the duty hours fixed for the petitioner, the impugned order dated 17.10.2022 has been passed by the third respondent withdrawing the earlier deputation order in which the petitioner was posted in Chennai.

3. Learned counsel for the petitioner submitted that only due to complaint lodged by the petitioner against the third respondent, the impugned order has been passed vindictively. Earlier, the petitioner was deputed to Chennai from Trichirapalli by proceedings of the Director of Medical Education on 19.02.2020 for administrative reasons. However, under the impugned order, dated



17.10.2022, the deputation order directing the petitioner to join at Chennai stood withdrawn and no reasons have been given.

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4. Even though the learned counsel for the petitioner insisted for grant of interim stay of the impugned order, this Court, at this stage, that too when the petitioner was deputed to Chennai as early as in February 2020 itself, cannot interfere with the impugned order, unless and until a counter affidavit is filed by the respondents. This Court suggested to the learned counsel for the petitioner as to whether the petitioner will be satisfied if she is allowed to give a representation seeking for cancellation of the impugned order and the said representation is directed to be considered by the respondents on merits and in accordance with law, within a time frame to be fixed by this Court. Learned counsel for the petitioner agrees for the said suggestion.

5. Accordingly, the petitioner is directed to give a fresh representation to the second respondent requesting for cancellation of the impugned order dated 17.10.2022 by which the earlier deputation order has been withdrawn, within a period of one week from the date of receipt of a copy of this order and on receipt of such a representation, the second respondent is directed to pass final orders on merits and in accordance with law, within a period of four weeks thereafter.



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6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

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To

1. Secretary to Government,
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ABDUL QUDDHOSE, J

CS

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