



W.P.No.32632 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32632 of 2022
and W.M.P.No.32036 of 2022

S. Shanmuga Lakshmi

.. Petitioner

Vs.

1.The Secretary to the Government,
Health & Family Welfare Department,
Fort St. George, Chennai – 9.

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

3.The Director & Superintendent
Institute of Social Obstetrics & Government,
Kasturba Gandhi Hospital for Women & Children,
Egmore, Chennai – 8.

4.The Director of Medical Health & Rural Services,
DMS Compound, Chennai – 6.

5.The Dean,
Tuticorin Government Medical College Hospital,
Tuticorin.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in connection with the impugned order passed



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by him in Na.Ka.No.8316/N2/2022 dated 30.11.2022 and quash the same and direct the respondents to consider the representation of the petitioner dated 27.11.2021 and retain her in the Government Tuticorin Medical College Hospital by way of transfer in the existing vacancy, within a reasonable time.

For Petitioner : Mr.Venkataramani
for Mr.M. Muthappan

For Respondents : Mr.Stalin Abimanyu,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned relieving order dated 30.11.2022 passed by the fifth respondent.

2. Heard Mr.Venkataramani for Mr.M. Muthappan, learned counsel for the petitioner. Mr.Stalin Abimanyu, learned Additional Government Pleader, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that despite there being vacancies at Thoothukudi Medical College and Thoothukudi Medical College Hospital, the respondents have now withdrawn the deputation



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order issued to the petitioner on 28.07.2021 under which, she was deputed to Government Thoothukudi Medical College Hospital, Thoothukudi from her earlier place of posting at Chennai. The petitioner states that she is having two small children and her husband is also working at Thoothukudi. According to her, even though the deputation order dated 28.07.2021 was only for a period of six months, she was allowed to remain at Thoothukudi till date and therefore, the question of withdrawing the deputation order that too in the middle of the academic year for the petitioner's children, will not arise.

4. However, the learned Additional Government Pleader appearing for the respondents would submit that the period of six months as per the deputation order dated 28.07.2021 has already come to an end and as a matter of right, the petitioner cannot be retained at Thoothukudi. He vehemently opposes the grant of interim stay of the impugned relieving order dated 30.11.2022 issued to the petitioner in respect of her work at Thoothukudi.

5. The petitioner has given a representation on 27.11.2021 to the



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respondents stating her plight and requesting the respondents to retain her at Thoothukudi Medical College or Thoothukudi Medical College Hospital, as according to her, there are number of vacancies still available in Thoothukudi.

6. The only limited relief that can be granted to the petitioner at this stage is, to direct the respondents to consider the petitioner's representation dated 27.11.2021 referred to supra, on merits and in accordance with law, within a time frame to be fixed by this Court.

7. This Court is not expressing any opinion on the merits of the petitioner's claim. It is for the respondents to consider the same on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 27.11.2021, seeking for her transfer from Chennai to Thoothukudi Medical College or Thoothukudi Medical College Hospital, within a period of two (2) weeks from the date of receipt of a copy of this



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order.

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9. Accordingly, the Writ Petition stands disposed of. No costs.

Connected miscellaneous petition is closed.

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Speaking/Non-speaking order

Index: Yes/No

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Note: Issue Order Copy Today

To

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ABDUL QUDDHOSE,J.

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