



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.10941 of 2021

and

W.M.P(MD)Nos.8584 and 8585 of 2021

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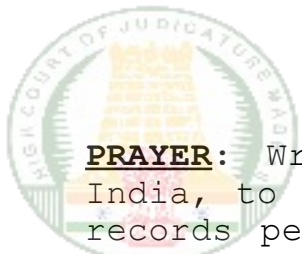
S.Pandian,
Son of Subramaniyan,
Health Educator,
District Tuberculosis Centre,
Office of the Deputy Director of Medical Services (TB)
Usilampatti,
Madurai District.

... Petitioner

Vs.

- 1.The Secretary to the Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Public Health and Preventive Medicine Department,
Chennai - 600 006.
- 3.The Deputy Director of Medical Services (TB),
Usilampatti,
Madurai District.
- 4.The Deputy Director of Health Services,
Sivakasi,
Virudhunagar District.
- 5.The Block Development Officer,
Government Primary Health Centre,
M.Pudupatti,
Sivakasi (HUD),
Virudhunagar District.
- 6.C.Durairaj,
Father's name not known,
Non Medical Supervisor,
Primary Health Centre,
Somanur,
Coimbatore (HUD),
Coimbatore District.

... Respondents



PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of transfer issued by the second respondent vide proceedings in R.No.46374/MP4/81/2021-2, dated 22.06.2021, whereby, transferred from the sixth respondent to the fifth respondent's Office and quash the same as illegal and consequently to direct the second respondent to revert the Petitioner as Non Medical Supervisor from the post of Health Educator and posting him in the fifth respondent Office by considering the proceedings issued by the first respondent in his Letter NO.35803/L1/2021-3, dated 09.03.2021.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.A.K.Manikkam
1 to 5 Special Govt. Pleader

ORDER

The transfer order of the sixth respondent viz., Durairaj, transferring him from Somanur HUD to M.Pudupatti, Sivakasi(HUD), is under challenge in the present writ petition.

2.The petitioner is working as Health Educator. The grievance of the writ petitioner is that he was promoted as Health Educator and posted at the office of the third respondent at Usilampatti, Madurai District. Previously he was working as Non-Medical Supervisor in the office of the fifth respondent, Sivakasi (HUD). The petitioner has stated that he is decided to relinquish his promotional post of Health Educator, in view of his health condition. The relinquishment of promotion can be opted at the time of grant of promotion.

3.The learned Special Government Pleader appearing for the respondents 1 to 5 brought to the notice of this Court that the petitioner was promoted as Health Educator, on 29.11.2019 itself and holding the post for past about 2 ½ years. Whiles, the petitioner cannot come before this Court and say that he is willing to relinquish his promotional post by challenging the order of transfer issued to the sixth respondent, who was working as Non-Medical Supervisor. The petitioner is working in the higher post of Health Educator.

4.Post or place can never be claimed as a matter of choice. The employee is entitled to relinquish his promotion at the time of promotion. There is a provision for temporary relinquishment and permanent relinquishment. However, by challenging the order of transfer issued to the staff, who is working in the said category, the petitioner cannot seek the relief to post him in a particular place or post of Non-Medical Supervisor.



5.The relief sought for in this writ petition is misconceived. Thus, this Court is not inclined to consider the writ petition and accordingly, the Writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Secretary to the Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Director,
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Chennai - 600 006.
- 3.The Deputy Director of Medical Services(TB),
Usilampatti,
Madurai District.
- 4.The Deputy Director of Health Services,
Sivakasi,
Virudhunagar District.
- 5.The Block Development Officer,
Government Primary Health Centre,
M.Pudupatti,
Sivakasi(HUD),
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-14336[F] dated 24/03/2022)

ORDER MADE IN
W.P. (MD)No.10941 of 2021
and
W.M.P (MD) Nos.8584 and
8585 of 2021
23.03.2022

KG(CO)

KP(04.04.2022) 3P 7C

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