

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

WP (MD) No.12677 of 2019  
and  
WMP (MD) No.9419 of 2019

J.MAHESWARAN

... PETITIONER

Vs

- 1.THE STATE OF TAMILNADU  
REP.BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF HEALTH & FAMILY WELFARE,  
FORT.ST.GEORGE, CHENNAI-600 009.
- 2.THE DIRECTOR OF MEDICAL EDUCATION,  
KILPAUK, CHENNAI-600 010
- 3.THE DEAN,  
MADURAI GOVERNMENT MEDICAL COLLEGE,  
MADURAI, MADURAI DISTRICT. ... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorari calling for the records relating to the impugned circular issued by the 2nd respondent Director of Medical Education in Ref.No.4053/E3/1/2019-TC dated 24/05/2019 quash, in so far as insisting the petitioner to take part in the Transfer Counselling is concerned.

**Prayer in WMP (MD) . 9419/ 2019 :**

To grant an order of Ad interim stay of the operation of the impugned circular issued by the 2nd respondent director of Medical Education in Ref.No.4053/E3/1/2019-TC dated 24/05/2019 in so far as insisting the petitioner to take part in the Transfer Counselling is concerned, pending disposal of the WP.

**ORDER :** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.RAGADHISH KUMAR, Advocate for M/S.ISAAC CHAMBERS, Advocate for the petitioner, the court made the following order:-

The writ petitioner is working in Government Rajaji Hospital, Madurai as Tutor cum Assistant Professor. He is holding the said post since from the year 2010. The learned counsel for the petitioner states that the petitioner is the senior most in the said category. While so, the second respondent had identified certain posts as excess and had proposed to hold a counselling for deploying the persons holding the excess posts. The petitioner is one of the persons whose name has been included in the counselling list enclosed along with the impugned circular dated 24.05.2019.

2.The case of the petitioner is that if it is a case of regular transfer or transfer of promotion, then certainly the senior most person will have to go. If it is a case of deployment, then it will be the junior most candidate will have to be transferred. The learned counsel for the petitioner states that as on date as many as 10 Tutors cum Assistant Professors are working in the category in the Department of Orthopaedics. Since the petitioner's name alone has been included, this Court grants an order of interim stay insofar as the petitioner is concerned.

3.Notice.

sd/-  
29/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1.THE PRINCIPAL SECRETARY,  
STATE OF TAMILNADU  
DEPARTMENT OF HEALTH & FAMILY WELFARE,  
FORT.ST.GEORGE, CHENNAI-600 009.

2.THE DIRECTOR OF MEDICAL EDUCATION,  
KILPAUK, CHENNAI-600 010

3.THE DEAN,  
MADURAI GOVERNMENT MEDICAL COLLEGE,  
MADURAI, MADURAI DISTRICT.

+1. C.C. to M/S.ISAAC CHAMBERS Advocate SR.No.9034

ORDER  
IN  
WP(MD) No.12677 of 2019  
and  
WMP(MD) No.9419 of 2019  
Date :29/05/2019