



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2022**

CORAM:

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

W.P. (MD) No. 12815 of 2020

and

W.M.P. (MD) Nos. 10876 and 10877 of 2020

WEB COPY

N.Muthulakshmi

... Petitioner

/vs./

1.The Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-600009.

2.The Director,
Medical and Rural Health Services,
D.M.S.Campus, Teynampet,
Chennai-600006.

3.The Director,
Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai-600010.

... Respondents

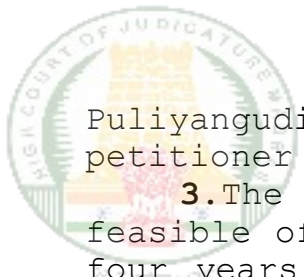
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 2nd respondent in Ref.No.20499/N2/2/2019 dated 24.06.2019 and quash the same.

For Petitioner	: Mr.R.Vijayaragavan
For Respondents	: Mr.R.Ragavendran, Government Advocate.

ORDER

This Writ Petition has been filed challenging the order of the 2nd respondent dated 24.06.2019.

2.The petitioner herein, who was serving as a Nurse under the Government Thanjavur Medical College Hospital, Thanjavur, had sought for transfer to the Government Head Quarters Hospital Tenkasi, Government Hospitals in Kadayanallur, Sengottai or Puliyangudi in Tirunelveli District. Since her application was not considered, she had approached this Court and by order dated 16.04.2019 in WP(MD) No.9354 of 2019, this Court had directed the respondents to consider her application on merits and in accordance with law, within the stipulated time. Consequently, through the impugned order dated 24.06.2019, her request was rejected on the ground that there were no vacancies available in the Government Head Quarters Hospital Tenkasi, Government Hospitals in Kadayanallur, Sengottai or



Puliyangudi in Tirunelveli District for the post of Nurse. The petitioner challenges the said order.

3.The reason, for which the petitioner's request was not feasible of compliance was that there were no vacancies. Now that, four years have passed since the impugned order was made, I am of the view that the respondents herein can re-consider the petitioner's request seeking for transfer or deputation to any of the four Government Hospitals in Tirunelveli District, to which, the petitioner had sought for transfer, in case any vacancy exists now. However since the absence of vacancies has been cited as a reason for rejecting the petitioner's request, the impugned order cannot be found fault.

4.In light of the above discussions, the petitioner is granted liberty to make an application, seeking for transfer or deputation to the Government Head Quarters Hospital Tenkasi, Government Hospitals in Kadayanallur, Sengottai or Puliyangudi in Tirunelveli District and on receipt of such application, the second respondent herein shall consider it on preferential basis and pass orders on it own merits and in accordance with law, within a period of two (2) weeks from the date of receipt of such application. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:

- 1.The Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-600009.
 - 2.The Director,
Medical and Rural Health Services,
D.M.S.Campus, Teynampet,
Chennai-600006.
 - 3.The Director,
Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai-600010.
- +1 CC to M/s.R. VIJAYARAGAVAN, Advocate (SR-26007[F] dated 16/06/2022)
+1 CC to M/s.SPL.GP (SR-26150[F] dated 16/06/2022)

W.P.(MD)No.12815 of 2020
15.06.2022

MGJ(06.07.2022) 2P 6C

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