



W.P.(MD)Nos.20628 and 21781 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P.(MD)Nos.20628 and 21781 of 2022
and
W.M.P.(MD)Nos.15939 and 15940 of 2022
in
W.P.(MD)No.21781 of 2022**

W.P.(MD)No.20628 of 2022:-

G.Selvaraj

... Petitioner

Vs.

**The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the representation dated 13.08.2022, before passing order of transfer based upon the transfer counselling held on 12.08.2022 and pass orders transferring the petitioner in the place of M.Pudupatti at Sivakasi Taluk, within the time fixed by this Court.



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For Petitioner : Mr.H.Arumugam

For Respondent : Mr.J.K.Jayaseelan,
Government Advocate.

W.P.(MD)No.21781 of 2022:-

G.Selvaraj

... Petitioner

Vs.

1.The Director of Public Health and Preventive Medicine,
Teynampet, Chennai.

2.S.Pandian,
Health Educator,
Deputy Director of Medical Services (TB),
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in R.No.21246/MP4/S1/2022-89 dated 27.08.2022 and in R.No.78033/MPIV/S3/2020 dated 04.08.2022 and quash both the consequently direct the 1st respondent to post the petitioner as non-medical supervisor (NMC) at M.Pudupatti, Sivakasi within the time fixed by this Court.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1.
No appearance for R2.

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioner is employed as Non-Medical Supervisor in the department of Public Health and Preventive Medicine. He was originally working at Zamin Kolangondan in Virudhunagar District. He sought transfer to M.Pudupatti. He gave a representation. Without considering his request, he was transferred to Salaigramam in Sivagangai District. The specific allegation of the writ petitioner is that the said post was actually vacant and that it was not shown during counseling and instead one S.Pandian was reverted from the post of Health Educator and posted at M.Pudupatti. The petitioner challenges his transfer order as well as the posting order made in favour of S.Pandian.



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3.The respondents have filed counter affidavit.

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4.The transfer counseling took place on 12.08.2022. The learned Special Government Pleader points out that Thiru.S.Pandian was reverted from the post of Heath Educator and posted as Non-Medical Supervisor at M.Pudupatti on 04.08.2022. Even though Pandian had not joined at M.Pudupatti, technically M.Pudupatti was not vacant when the counseling was held on 12.08.2022. It is further pointed out by the learned Special Government Pleader that Salaigramam was very much the place chosen by the writ petitioner himself. In this view of the matter, neither the transfer order nor posting of Mr.S.Pandian call for interference.

5.At the same time, one aspect cannot be lost sight of. Mr.S.Pandian filed W.P.(MD)No.10941 of 2021 questioning posting of one C.Durairaj at M.Pudupatti. The said writ petition was dismissed on 23.03.2022 on the basis that post or place can never be claimed as a matter of choice. The learned counsel for the petitioner points out that this dismissal order was passed on 23.03.2022. It appears that



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Thiru.Durairaj had not joined at M.Pudupatti. My attention is also drawn to the proceedings dated 26.08.2022 passed by the Deputy Director, Medical Services (Leprosy), Virudhunagar District complaining that one Sheikh Mohammed who was appointed as in-charge Non-Medical Supervisor at M.Pudupatti had also not been participating in the monthly meetings. The petitioner is aged about 56 years. His spouse is said to be working at Sivakasi. Therefore, the first respondent may consider posting of the writ petitioner in Virudhunagar District itself as and when any vacancy arises.

6.These writ petitions are disposed of with the aforesaid observation. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai.

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