



W.P.No.362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.362 of 2023 and W.M.P. No.336 of 2023

G.Madhumitha

... Petitioner

Vs.

1. Director of Medical Education,
O/o. The Directorate of Medical Education,
Kilpauk,
Chennai – 600 010.

2. Government Medical College Hospital,
rep. by its Dean,
Nagapattinam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to relieve the petitioner from the second respondent College Hospital forthwith to enable her to join as Assistant Professor of Obstetrics and Gynaecology, Government Thanjavur Medical College, Thanjavur pursuant to the order of Transfer Counselling Posting order issued by the first respondent dated 10.06.2022 bearing Ref. No.26140/E3/1/2022-I and issue all consequential orders.



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For Petitioner : Mr.N.G.R.Prasad,
for Row and Reddy

For Respondents : Mr.D.Ravichander,
Special Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to relieve the petitioner from the second respondent College Hospital forthwith to enable her to join as Assistant Professor of Obstetrics and Gynaecology, Government Thanjavur Medical College, Thanjavur pursuant to the order of Transfer Counselling Posting order issued by the first respondent dated 10.06.2022 bearing Ref. No.26140/E3/1/2022-I and issue all consequential orders.

3.The grievance of the petitioner in this writ petition is that despite acceding to her request for transfer from the Government Medical College Hospital, Nagapattinam to Government Medical College Hospital, Thanjavur in the transfer counselling, the second respondent has not issued the



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relieving order till date. The transfer was accepted on 10.06.2022. However, till date, relieving order has not been issued to the petitioner.

4.Heard Mr.N.G.R.Prasad, representing for M/s.Row and Reddy, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5.The written instructions have been received by the learned Special Government Pleader, which is placed on record before this Court today. As per the written instructions, there is a shortage of Gynaecologists at Nagapattinam Medical College Hospital and therefore, according to the respondents, it is for the said reason, they have not issued the relieving order to the petitioner.

6.However, as seen from the written instructions, certain Gynaecologists from Thanjavur Medical College Hospital have been deputed to Nagapattinam Medical College Hospital on rotation basis.

7.Learned counsel for the petitioner on instructions would now submit



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that if relieving order is issued immediately in favour of the petitioner, the petitioner is also willing to come and work on Nagapattinam Medical College Hospital on rotation basis due to the shortage of gynaecologists, as alleged by the respondents in their written instructions given to the Special Government Pleader.

8.Learned Special Government Pleader appearing for the respondents would also submit, on instructions that the respondents are willing to issue the relieving order to the petitioner and on issuance of the same, they will also be issuing deputation order to the petitioner directing her to join duty at Nagapattinam on rotation basis along with others from Thanjavur. It is also submitted by the learned Special Government Pleader appearing for the respondents that next transfer counselling is scheduled to be taken place in March 2023. The said statement is also recorded.

9.After hearing the rival submissions, the following directions are issued:

a)The first respondent shall issue the relieving order to the petitioner



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to enable her to join duty at Thanjavur Medical College Hospital from
Nagapattinam Medical College Hospital on or before 16.01.2023;

b)On issuance of the aforementioned relieving order, the first respondent is at liberty to issue a deputation order to the petitioner to join duty at Nagapattinam Medical College Hospital from Thanjavur Medical College Hospital, on rotation basis along with similarly placed Doctors at Thanjavur.

10.With the aforesaid direction, this writ petition is disposed of.
Consequently, connected W.M.P. stands closed. No costs.

06.01.2023

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Index:Yes/No
Note: Issue order copy today (06.01.2023)



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ABDUL QUDDHOSE, J

vga

To

1. Director of Medical Education,
O/o. The Directorate of Medical Education,
Kilpauk,
Chennai – 600 010.

2. Government Medical College Hospital,
rep. by its Dean,
Nagapattinam.

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