



WEB COPY



W.P.No.14100 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14100 of 2023
and WMP Nos.13733 and 13734 of 2023

Dr.Shraddha Laxmidhar Mohanty

Vs

...Petitioner

1. The State of Tamil Nadu.

Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. Directorate of Medical Education,

Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai-600 010.

3. The Registrar,

The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai, Guindy, Chennai-600 032.

4. The Dean,

Coimbatore Medical College, Coimbatore

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the proceedings of the 2nd respondent to the impugned order bearing R.No.2745231/E7/A1/2022-49 dated 30.11.2022 and the impugned posting order issued by the 4th respondent vide



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Ref No.3757/ME1/2022 dated 27.12.2022 and quash the same as illegal and without jurisdiction and consequently direct the respondents to conduct counselling and appoint posting commensurate with the Educational Qualification.

For Petitioner : Mr.S.Dinu Prashanth

For Respondents : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

Heard Mr.S.Dinu Prashanth, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Government Advocate for the respondents.

2. Through the impugned order dated 30.11.2022, the petitioner herein was temporarily appointed as Assistant Surgeon on Agreement under Rule 19(1) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Though the petitioner has raised several grounds challenging the order, insofar as it designates her and posting orders are issued, learned counsel for the petitioner submits that the petitioner is willing to join in the place of posting. It is also his submission that the petitioner may be permitted to participate in the transfer counselling whenever it is conducted. The request for participation in the transfer counselling can be considered since it is a right to which the petitioner would be entitled to.



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3. In the light of the above submission made, the petitioner is permitted to join in the place to which she was posted pursuant to the impugned order within a period of thirty days from the date of receipt of a copy of this order. The respondents shall also permit the petitioner to participate in the next transfer counselling for Non Service Post Graduate Candidate which may be conducted at any date.

4. Since the petitioner is willing to join in the posted place, the respondents shall not initiate or take any action by invoking a bond.

5. With the above observation, the writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.,

SR

To

- 1.The State of Tamil Nadu.
Represented by its Principal Secretary,
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Chennai-600 009.
2. Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai-600 010.
3. The Registrar,
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