



W.P.No.14446 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.05.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.14446 of 2023 and
WMP.Nos.13950 & 13951 of 2023

- 1.Dr.R.Freethi
- 2.Dr.M.Sowndarya
- 3.Dr.R.Sharmila
- 4.Dr.S.Balasubramaniam
- 5.Dr.Bala Soundar .V
- 6.Dr.Sakthi Priya .A
- 7.Dr.K. Vishwapriya
- 8.Dr.S.Kavin Kumar
- 9.Dr.S.Nithya
- 10.Dr.Chinthan .L
- 11.Dr.V.Vinothini
- 12.Dr.Y.Ragavi
- 13.Dr.Balaji .S.M

... Petitioners

Vs

- 1.The Principal Secretary to Government,
Health and Family Welfare Department
St. George Fort, Secretariat,
Chennai - 600 009.
- 2.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai - 600 010.



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3.The Director of Public Health and Preventive Medicine,
DMS Compound, Teynampet,
Chennai - 600 018.

4.The Director of Medical and Rural Health Services,
DMS Compound, Teynampet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a writ of Mandamus, directing the 1st respondent to allow the
petitioners to participate in the upcoming transfer counselling during May
2023-June 2023 on par with Regularized Doctors by passing orders on the
representation dated 17.04.2023.

For Petitioners : Mr.G.Justin

For Respondents : Mr.Abishek Murthy
Government Advocate

ORDER

MrV.Manoharan, learned Additional Government Pleader appearing for
the respondents circulates a Position Note from the Director of Medical
Education, arrayed as R2 that reads as follows:

*'It is respectively submitted that inter/intra Directorate
transfer counselling for the Medical Officers working in the cadre
of Assistant Professor / Tutor / Senior Resident / Junior Resident
working at Government Medical College institutions and Medical
Officers working in Directorate of Medical and rural Health
Services, Chennai. Directorate of Public Health and Preventive
Medicine, Chennai & Directorate of Medical and Rural Health*



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Services (ESI) side has been proposed and service particulars in respect of the Medical Officers who are willing to participate in the forthcoming transfer counselling have been called for by the 2nd respondent vide Circular Ref.No.35800/E3/1/2023, dated 19.04.2023.

2.It is respectively submitted that in the aforesaid circular it has been stated that the Medical Officers who have been appointed temporarily to fulfill their bond condition as Non Service Post Graduate and not yet been absorbed through Medical Services Recruitment Board- Special Qualifying Examinations (MRB-SQE) are not eligible to attend this counselling.

3.It is respectively submitted that the thirteen petitioners herein have already cleared the Medical Services Recruitment Board- Special Qualifying Examination (MRB-SQE) held during May 2022 and thereby all the thirteen petitioners are eligible to attend the proposed transfer counselling and they may be permitted to attend the proposed transfer counselling.'

2.In light of the acquiescence of R2 to the effect that the petitioners may be permitted or eligible to attend the proposed transfer counselling, this writ petition is allowed and no mandamus as sought for is necessary as the prayer stands achieved by virtue of the position note dated 10.05.2023. No costs. Connected miscellaneous petitions are closed.

10.05.2023

vs

Index : Yes / No

Speaking Order

Neutral Citation : Yes



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Dr.ANITA SUMANTH, J.

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