



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.18859 of 2023

and

W.M.P.No.18104 of 2023

L.Usha

... Petitioner

Vs.

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai – 9.
2. The Director of Medical & Rural Health Services,
DMS Compound,
Teynampet, Chennai – 16.
3. The Director,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
4. The Joint Director of Health Services,
Thanjavur.
5. The Dean,
Thanjavur Medical College Hospital,
Thanjavur.

... Respondents



Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondents, in connection with the impugned order passed by the 2nd respondent in Ref.No.3724/N2/2/2023 dated 05.04.2023 quash the same and direct the respondents to consider the claim of the petitioner for a transfer to any one of the hospitals in Colachal or any hospital in Kanyakumari District.

For Petitioner	: Mr. M.Vigneshraj for Mr.M.Muthappan
For Respondents	: Mr.S.Prabhakaran, Government Advocate

ORDER

The writ petition has been filed challenging the order passed by the 2nd respondent dated 05.04.2023 and further direction to consider the claim of the petitioner for a transfer to any one of the hospitals in Colachal or any hospital in Kanyakumari District.

2. On the ground that the petitioner's husband and family members are residing in Kanyakumari District, the petitioner claims for a transfer to any of the hospitals in Kanyakumari District. Earlier when her representation in this



regard was not considered, this Court by an order dated 02.08.2022 passed in W.P.No.19902 of 2022, had directed the respondents to consider her representation seeking for a transfer.

3. Pursuant to such orders, the present impugned order has been passed stating that there is no vacancy available in the Kanyakumari District and that the petitioner can participate in the upcoming Transfer Counselling as and when it is announced and the petitioner's request will be considered as per her turn and seniority.

4. I do not find any infirmity in the order of transfer. It is settled proposition of law that transfer cannot be claimed as matter of right and that whenever a general transfer counselling is announced and the petitioner is eligible to participate in the same, the only mode of granting a transfer would be to participate in such a transfer counselling.

5. With these observations, the petitioner is granted liberty to participate in the next general transfer counselling as and when it is announced, subject to her eligibility.



6. With the above liberty, this Writ Petition stands closed. No costs.

Consequently, connected Miscellaneous Petition is also closed.

12.12.2023

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

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M.S.RAMESH, J.

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