



W.P(MD)No.5583 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5583 of 2023

and

W.M.P.(MD)Nos.5214 and 5216 of 2023

N.S.Renitha

... Petitioner

Vs.

- 1.The Director,
Department of Indian Medicines and Homeopathy,
Arumbakkam, Chennai – 106.
- 2.The District Siddha Medical Officer,
Pudukottai District.
- 3.The District Siddha Medical Officer,
Theni District.
- 4.The District Siddha Medical Officer,
Madurai District.
- 5.The Medical Officer,
Government Primary Health Centre,
Odaipatti, Theni District.

6.P.Chithra

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to impugned transfer order vide Na.Ka.No.31/Ni2/2/2023 dated 03.01.2023 issued by the 1st respondent in favour of the 6th respondent and quash the same as illegal and consequently direct the 1st respondent to transfer the petitioner as Pharmacist in Siddha Wing, at Govt. Primary Health Centre, Odaipatti, Theni District from Pudukkottai District on requisition letter dated 18.11.2022 made by the petitioner to consideration of Notification No.01/MRB/2018, dated 13.02.2018.

For Petitioner : Mr.K.Sureshkumar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents. Issuance of notice to the sixth respondent is dispensed with.

2.The petitioner is now working as Pharmacist in Pudukkottai District. It appears that a vacancy has arisen in Odaipatti in Theni



W.P(MD)No.5583 of 2023

District. The case of the petitioner is that the sixth respondent who is only having degree in Ayurvedha has been erroneously posted in violation of statutory norms. The petitioner questions the said posting order and wants to be posted in the place of sixth respondent at Odipatti.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.I am not swayed by the contentions advanced by the learned counsel for the petitioner. As rightly pointed out by the learned Special Government Pleader, there is no violation of statutory norms by posting the sixth respondent at Odipatti. In any event, the petitioner cannot insist or demand that she must be posted at the Government Primary Health Centre, Odipatti. The petitioner has not been disturbed from her existing station. The petitioner has no locus standi to even maintain the present writ petition. The petitioner states that while she would not press for transfer to Theni for the present, she would be more than satisfied if she



W.P(MD)No.5583 of 2023

is accommodated in a vacancy that is now available at Primary Health Centre, Athur in Dindigul District. It is open to the petitioner to submit a representation in this regard and it is for the competent authority to consider the same. If the petitioner has some special request to make, it is always open to the petitioner to submit a representation before the competent authority and it is for the competent authority to consider the case of the petitioner depending upon the availability of vacancy. The matter is entirely left to the discretion of the competent authority and it is not for this Court to give any direction.

5. With the aforesaid observations, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2023

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

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