



W.P.(MD).No.19761 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.19761 of 2023

M.Thanka Mithra

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
Chennai-600 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the seniority of the petitioner in Obstetrics and Gynecology Department by counting the period from 10.06.2022 to 29.06.2022 at Government RSRM Lying in Hospital, Royapuram, Chennai, as station seniority at Government Medical College, Thoothukudi in light of the communication of the second respondent in Ref.No.77888/E1/3/2017, dated 06.12.2017.



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W.P.(MD).No.19761 of 2023

For Petitioner : Mr.G.Karthik
for M/s.Lajapathi Roy Associates

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The writ petitioner was a Senior Resident in Obstetrics and Gynecology Department at Government RSSM Hospital, Royapuram, Chennai from 25.06.2021 onwards. A transfer order was issued to the writ petitioner on 10.06.2022, directing her to join at Government Medical College Hospital, Thoothukudi. However, due to administrative reasons, she was relieved only on 29.06.2022 from Royapuram Hospital, Chennai. Thereafter, she joined at Government Medical College Hospital, Thoothukudi on 30.06.2022.

2. According to the writ petitioner, since she was belatedly relieved from Royapuram Hospital, Chennai, she had lost her station seniority at the transferred place, namely, Government Medical College Hospital at Thoothukudi, so that she had lost her opportunity to participate in the transfer



W.P.(MD).No.19761 of 2023

counselling of the year 2023. To the effect, the writ petitioner had sent a representation to the second respondent herein on 02.08.2023, requesting to consider the date of transfer, namely, 10.06.2022 as station seniority for Thoothukudi and consider her for participation in the transfer counselling of the year 2023. The said representation is still pending with the second respondent herein. Hence, the present writ petition.

3. The learned Counsel appearing for the writ petitioner brought to the notice of the Court, the second respondent herein in similar circumstances has passed an order on 06.12.2017, wherein he has informed that the station seniority of those Medical Officers in the posted Institutions will be calculated from the date of issue of the transfer orders in all cases, where they have been relieved belatedly due to administrative reasons.

4. In view of the above said facts, the second respondent herein is directed to consider the request of the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.19761 of 2023

WEB COPY

5. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

17.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of Medical Education,
No.162, Periyar E.V.R. High Road,
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W.P.(MD).No.19761 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P.(MD).No.19761 of 2023

17.10.2023