



W.P.No.10609 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10609 of 2021

Dr.S.Syed Thahir Hussain

... Petitioner

Vs.

1.The Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.

2.The Director,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.

3.The Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to act upon the representation of the petitioner dated 31.12.2020 and the reminder on 28.01.2021.

For Petitioner : Mr.B.Pachaiyappan

For Respondents : Mr.Yogesh Kannadasan, SGP

ORDER



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This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to act upon the representation of the petitioner dated 31.12.2020 and the reminder on 28.01.2021.

2. Heard Mr.B.Pachaiyappan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents.

3. The petitioner is said to be working as Assistant Professor of Anesthesia of Madurai Medical College, Madurai. In view of Covid-19 pandemic, the transfer counselling for the year 2020 was not held. As per the earlier judgments of this Court, the transfer counselling has first taken place in the intra department within the Directorate of Medical Education, followed by the inter-transfer between the Directorate of medical education and Directorate of Medical Sciences. Certain norms has to be followed for such inter-transfers. But without following any norms, the spate of transfer orders have been issued in the guise of Covid – 19 pandemic. The proceedings have been made overlooking the existing norms and the seniority. The persons who are not competent to be



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appointed in a certain post have been posted without regard to their stream of education, qualification and experience. The petitioner sent an application dated 31.10.2020 under the Right To Information Act seeking certain information. Since there was no reply, the petitioner has given a representation on 31.12.2020 to constitute a committee to thoroughly examine such unauthorized transfers all through the State and ensure that all the postings made to various locations in the State overlooking Civil Medical List seniority are cancelled. Since the petitioner's representation has not been considered so far, he has filed this Writ Petition.

4. The learned Special Government Pleader for the respondents submitted that the petitioner has filed this Petition as though it is a Public Interest Litigation. The petitioner has not been aggrieved personally and he has got no *locus standi* to file this Writ Petition for the relief sought by him.

5. However, nothing will prevent the respondents to re-look into the grievance of the petitioner and like others and check whether the mass transfers have resulted in any undesirable consequences in the public



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interest.

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6. In the result, this Writ Petition is disposed and the respondents are directed to re-look into the grievance of the petitioner and like others and check whether the mass transfers have resulted in any undesirable consequences in the public interest and pass appropriate orders in accordance with the existing norms, within a period of six weeks from the date of receipt of a copy of this order. No costs.

11.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

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R.N.MANJULA, J.

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