



WEB COPY



W.A.No.3534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.01.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.3534 of 2023

Geetha

.. Appellant

Vs.

1.The Secretary
Health and Family Welfare Department
Fort St. George
Chennai-9

2.The Director
Medical and Rural Health Service
D.M.S. Campus
Teynampet
Chennai-6

3.The Director
Director of Medical Education
Poonamallee High Road
Kilpauk, Chennai-10

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 22.09.2023 passed in W.P.No.27768 of 2023.



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For Appellant : Mrs.P.Anuradha
For Respondents : Mr.Silambanan
Additional Advocate General
Assisted by Mr.Abishek Moorthy
Government Advocate

JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J.)

The appellant has come forward with this intra-court appeal aggrieved by the order dated 22.09.2023 passed by the learned Judge dismissing the writ petition in W.P.No.27768 of 2023 filed by her.

2. According to the appellant, she is a native of Dindigul District. She joined as Nurse in the Government Medical College and Hospital, Namakkal in the year 2011 and has been working continuously for the past 13 years. It is the grievance of the appellant that though she participated in the counselling session conducted in all these years, the vacancy status in respect of Dindigul District has not been shown; and that, in the counselling held in the years 2021 and 2022, the number of vacancies in Madurai and Dindigul Districts were shown as two and one respectively. However, without holding counselling, more than 50



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Nurses have joined duty in Dindigul District, pursuant to the increase of grade.

It is also alleged by the appellant that the authorities have shown wrong and incorrect status that there is “Nil” vacancy in Dindigul District in W.A.No.1383 of 2019 filed by the appellant. Stating so, the appellant submitted a representation dated 12.08.2023 to the respondents seeking permanent transfer from Namakkal District to Dindigul District and the same is pending without any consideration. Therefore, she preferred W.P.No.27768 of 2023, for a direction to the respondents to consider her representation. Without properly appreciating the claim of the appellant, the learned Judge dismissed the said writ petition, by order dated 22.09.2023, which is impugned in this appeal.

3. Today, when the matter was taken up for consideration, the learned counsel for the appellant submitted that it would suffice, if a direction is given to the respondent authorities to consider the representation of the appellant dated 12.08.2023, within a time frame to be stipulated by this court, for which, there is no serious objection on the side of the respondent authorities.

4. In view of the above, this court, without expressing any opinion on the merits of the case, directs the respondent authorities to consider the appellant's representation dated 12.08.2023 and pass appropriate orders, purely on merits



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and in accordance with law, after affording an opportunity of personal hearing to the appellant, within a period of four weeks from the date of receipt of a copy of this judgment. It is made clear that the respondent authorities shall take a decision on the claim of the appellant, without being influenced by any of the observations made by the learned Judge in the writ petition.

5. Accordingly, this writ appeal stands disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]

10.01.2024

Internet : Yes

Neutral Citation : Yes/No
gya

To

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