



W.P.(MD).No.3407 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3407 of 2024

Panneerselvi

... Petitioner

Vs.

1.The Director,
Public Health and Preventive Medicine,
Teynampet, TMSS Valagam,
Chennai

2.The Deputy Director,
Public Health and Preventive Medicine,
Meenakshinaickenpatti,
Palani Road,
Dindigul District.

... 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 herein to allow the petitioner to continue as a Section Health Nurse in the present place of work at Notchiodaipatti or else to transfer the petitioner to any of the two places at Natham Block i.e Olappakudi Primary Health Centre or



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Vasanthapatti Primary Health Centre on the basis of my representation dated 25.09.2023.

For Petitioner : Mr.V.Malaiyendran
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Mr.S.Shaji Bino, learned Special Government Pleader takes notice for the respondents.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner joined as a Village Health Nurse under the 2nd respondent by the proceedings of the 2nd respondent dated 05.12.1995. Thereafter, she was promoted to the post of Sector Health Nurse vide proceedings dated 13.09.2003 and transferred from Notchiodaipatti to Kosavapatti. The petitioner has stated that one Jeyaseeli, who served in Uluppakkudi Primary Health Centre, Natham Block, Dindigul District, as Sector Health Nurse, retired



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voluntarily on 30.09.2023 and one Maheswari, who served as Sector Health Nurse in Vaththipatti, Natham Block, retired in September, 2023. As a result of which two vacancies for the post of Sector Health Nurse have arisen. The petitioner is transferred to a faraway place despite there are existing two vacancies in Natham Block. Hence, she made a representation on 25.09.2023 explaining her difficulty and requested the respondents to transfer in any one of the available vacancies. The same was not considered. Hence, the present Writ Petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. It is made clear that without going into the merits of this case, this Court hereby direct the respondent No.2 to consider the representation of the petitioner dated 25.09.2023 and pass appropriate orders in accordance with law within a period of four(4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

15.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
CM

To

1.The Director,
Public Health and Preventive Medicine,
Teynampet, TMSS Valagam,
Chennai

2.The Deputy Director,
Public Health and Preventive Medicine,
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L.VICTORIA GOWRI, J.

CM

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