



W.P.(MD).No.6085 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6085 of 2024
and WMP(MD) No.5723 of 2024

P.Muthunagai

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Secretariat, Chennai.
2. The Director,
Directorate of Medical and Rural Health Services,
Chennai-600 006.
3. The Director of Medical Education and Research,
O/o. Director of Medical Education and Research,
Kilpauk, Chennai-600 010.
4. The Dean,
Government Rajaji Hospital, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to transfer and post the petitioner as Nursing Superintendent Grade-II in the available vacancy at Government Rajaji Hospital, Madurai in view of the



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medical emergency and the cancer treatment being undergone by the petitioner and by considering the petitioner's representation, dated 26.02.2024.

For Petitioner : Mr. H. Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 2nd Respondent to transfer and post the petitioner as Nursing Superintendent Grade-II in the available vacancy at Government Rajaji Hospital, Madurai in view of the medical emergency and the cancer treatment being undergone by the petitioner and by considering the petitioner's representation, dated 26.02.2024.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4.(i).The petitioner was initially appointed as Staff Nurse on 25.03.1998 at Institute of Child Health Egmore, Chennai and thereafter, transferred to Government Rajaji Hospital, Madurai on 02.06.2000. The second respondent vide his proceedings, dated 23.02.2024 published the regular panel for the post of Nursing Superintendent Grade II for the year 2023-24 and the name of the petitioner was placed at S.No.194 in the said list. Thereafter, the petitioner was given with promotion as Nursing Superintendent Grade II. Pursuant to the same, the petitioner participated in the counseling, which was held on 27.02.2024. Since the vacancy available at Madurai was not revealed, the petitioner has chosen Theni Medical College Hospital.

(ii).The petitioner is a Cancer patient, who is continuously undergoing treatment in Vadamalayan Hospital, Madurai. The petitioner understood that there is a vacancy in the post of Nursing Superintendent Grade II at Government Rajaji Hospital, Madurai, she made a representation on 26.02.2024 to the respondents requesting to consider and accommodate her in the available vacancy in the Government Rajaji Hospital, Madurai, so as to, facilitate her to continue her treatment at Vadamalayan Hospital, Madurai.



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However, the same was not considered. Hence, this writ petition came to be filed.

5. The learned Government Advocate appearing for the respondents submitted that already posting order, dated 28.02.2024 has been issued by the second respondent to the petitioner. Hence, prayed to dismiss the writ petition.

6. Considering the fact that the petitioner is suffering from Cancer disease, I hereby direct the second respondent to consider the representation of the petitioner, dated 26.02.2024 sympathetically that she is a Cancer patient and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Note: Issue order copy on 14.03.2024

PNM

To

1. The Secretary, State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.
2. The Director,
Directorate of Medical and Rural Health Services,
Chennai-600 006.
3. The Director of Medical Education and Research,
O/o. Director of Medical Education and Research,
Kilpauk, Chennai-600 010.
4. The Dean,
Government Rajaji Hospital, Madurai.



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L.VICTORIA GOWRI, J.

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