



W.P.(MD)No.9839 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9839 of 2024 &
W.M.P.(MD)Nos.8932, 8933 and 8934 of 2024

Dr.M.Niruba

... Petitioner

vs.

1.Director of Medical Education and Research,
Chennai - 600 010.

2.Director of Medical and Rural Health Service,
Chennai.

3.The Joint Director,
Joint Director of Health Services,
Madurai.

4.The Chief Medical Officer,
Government Hospital Melur,
Madurai.

5.The Dean,
Government Medical College,
Virudhunagr.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the circular in Transfer Counselling/By E-Mail Ref.No.



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000033/E3/1/2024 dated 06.03.2024 issued by the first respondent insofar as Pathology is concerned and subsequent circular vide Transfer Counselling/By E-Mail Ref.No.000033/E3/1/2024 dated 15.03.2024 issued by the first respondent insofar as Pathology is concerned and quash the same as illegal and the direct the first respondent to revise the seniority list based on the date of counselling or issuance of posting order.

For Petitioner : Mr.C.Deepak

For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

Heard Mr.C.Deepak, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this petition seeking a Writ of Certiorarified Mandamus calling for the records relating to the circular in Transfer Counselling/By E-Mail Ref.No.000033/E3/1/2024 dated 06.03.2024 issued by the first respondent insofar as Pathology is concerned and subsequent circular in Transfer Counselling/By E-Mail Ref.No.000033/E3/1/2024 dated 15.03.2024 issued by the first



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respondent insofar as Pathology is concerned and quash the same as illegal and the direct the first respondent to revise the seniority list based on the date of counselling or issuance of posting order.

3. The petitioner who has been working as an Assistant Surgeon in the fourth respondent Government Hospital Melur was transferred to the fifth respondent Government Medical College, Virudhunagar on 16.08.2022. However, the petitioner could not join the fifth respondent Medical College immediately as she was not relieved by the fourth respondent Government Hospital till 29.08.2022. The petitioner joined the fifth respondent Medical College only on 30.08.2022.

4. The petitioner's grievance is that the present circulars dated 06.03.2024 and 15.03.2024 for transfer counselling have been issued by taking into account of the date of joining of Assistant Surgeons whose transfers have also been issued along with the petitioner in the earlier counselling held in the year 2022. As the petitioner could join only on 30.08.2022, she could not avail the transfer counselling which is going to



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be held now.

5. Mr.C.Deepak, learned counsel appearing for the petitioner submitted that the transfer counselling is scheduled to be held on 18.03.2024 and 19.03.2024 has been postponed without any further notice.

6. The petitioner who is a Tutor in Pathology has stated that there are vacancies in other colleges and if her name is also included in the transfer list as against the date of earlier transfer and given an opportunity to participate in the counselling, she could also exercise her option for transfer along with those candidates who have been already transferred along with her during the previous counselling.

7. Since the list has been prepared and notification has been issued, it would be appropriate for the petitioner to claim a relief / or seek a direction to include her name in the list against the date of her earlier transfer order *i.e.*, 16.08.2022.



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8. In view of the above stated reasons, this writ petition is **disposed of** and the first respondent is directed to modify the transfer counselling seniority list and include the name of the petitioner also against the date of her earlier transfer *i.e.*, 16.08.2022 along with those persons who have been transferred along with her during the earlier counselling, without minding her date of joining *i.e.*, 30.08.2022 and issue a revised list within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

23.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

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R.N.MANJULA, J.

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