



W.P.(MD).No.13792 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13792 of 2024

Dr.M.K.Bharathi

...Petitioner

Vs

1.Directorate of Medical Education and Research,
Chennai – 600 010.

2.Directorate of Medical and Rural Health Services,
Chennai.

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

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

5.The Dean,
Government Medical College, the Nilgiris,
Nilgiris.

6.The Dean,
Government Medical College,
Virudhunagar.

... Respondents



W.P.(MD).No.13792 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the first respondent to revise the seniority list in pharmacology department based on date of transfer posting order before conducting Re-Counselling which arises due to the arising vacancy caused by the transfer counselling vide circular in Transfer Counselling / By E-Mail Ref.No. 000033/E3/1/2024 dated 14.06.2024 by the first respondent.

For Petitioner : Mr.C.Deepak

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.C.Deepak, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the first respondent to revise the seniority list in Pharmacology Department, based on date of transfer posting order before conducting Re-Counselling which arises due to the arising vacancy caused by the transfer counselling vide circular in



W.P.(MD).No.13792 of 2024

Transfer Counselling / By E-Mail Ref.No.000033/E3/1/2024 dated

14.06.2024 by the first respondent.

3. The limited point raised by the petitioner is that in the earlier transfer order passed on 16.08.2023, the petitioner was transferred to the sixth respondent College. At that point of time, though the petitioner was working in the fifth respondent College, she was relieved only on 25.10.2023 and in view of that she joined on 26.10.2023 in the sixth respondent College. However, in the next transfer counselling which was released on 19.06.2024, the petitioner's name has been included in the list and she is in 60th position, by giving into effect her date of joining instead of considering her date of earlier transfer order. It is the contention of the petitioner that had the date of transfer order is considered, the petitioner could have been accommodated in 40th position and she would not have pushed to 60th position.

4. Earlier, yet another petitioner has filed a Writ Petition in W.P.(MD).No.9839 of 2024 for the very same relief, and this Court vide order dated 23.04.2024, disposed of the Writ Petition by giving a



W.P.(MD).No.13792 of 2024

direction to the respondents to modify the transfer counselling seniority list in accordance with the date of transfer, by making the following observations:

“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 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.



W.P.(MD).No.13792 of 2024

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.*

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.”*



W.P.(MD).No.13792 of 2024

WEB COPY

5. Since this petitioner is also similarly placed and got the earlier transfer order on 16.08.2023, she is also entitled to the relief as granted to other petitioner who has raised similar grounds.

6. In the result, this Writ Petition is **disposed of** with a direction to the first respondent to modify the transfer counselling seniority list and include the name of the petitioner against the date of her earlier transfer i.e., 16.08.2023 along with those persons who have been transferred along with her during the earlier counselling, without minding her date of joining and issue a revised list within a period of one week from the date of receipt of a copy of this order. No costs.

27.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 27.06.2024.



W.P.(MD).No.13792 of 2024

To:

WEB COPY

1. Directorate of Medical Education and Research,
Chennai – 600 010.
2. Directorate of Medical and Rural Health Services,
Chennai.
3. The Joint Director,
Joint Director of Health Services,
Madurai.
4. The Chief Medical Officer,
Government Hospital Vadipatti,
Madurai.
5. The Dean,
Government Medical College, the Nilgiris,
Nilgiris.
6. The Dean,
Government Medical College,
Virudhunagar.



WEB COPY



W.P.(MD).No.13792 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.13792 of 2024

27.06.2024