



W.A(MD)No.1350 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

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CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.1350 of 2024

G.Kaleeswari

... Appellant/Writ petitioner

-VS-

1.The Director(ESI),
Directorate of Medical and Rural Health Services,
Teynampet,
Chennai.

2.The Medical Officer,
Urban Primary Health Centre,
TSK Colony,
Tiruppur,
Tiruppur District.

3.The Chief Medical Officer,
ESI Dispensary,
Rajapalayam,
Virudhunagar District.

4.Mrs.Mahalakshmi,
Staff Nurse,
Government Medical College and Hospital,
Pudukkottai. ... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
dated 24.07.2024 made in W.P(MD)SR.No.52116 of 2024.

For Appellant : Mr.Mahaboob Athiff
For R-1 to R-3 : Mr.P.T.Thiraviyam,



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Government Advocate

JUDGMENT

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[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court dated 24.07.2024 made in W.P(MD)SR.No.52116 of 2024, the appellant/writ petitioner has filed this writ appeal.

2. The writ Court had rejected the writ petition even without numbering on the ground that the Madurai Bench does not have jurisdiction. The finding is based on the fact that the writ petitioner who is a resident of Tiruppur which falls within the jurisdiction of the Principal Bench cannot invoke the jurisdiction of the Madurai Bench merely because she exercised the jurisdiction seeking a direction to place her as a Staff Nurse at ESI Dispensary, Rajapalayam.

3. The challenge in the writ petition was to the proceedings of the Director of Medical and Rural Health Services, Chennai, dated 25.06.2024, in and by which, the fourth respondent in the writ petition was appointed as a Staff Nurse at ESI Dispensary, Rajapalayam. Though this order was issued by the Director of Rural Health Services, Chennai, the same operates within the jurisdiction of the Madurai Bench of Madras High Court. There is a factual error in the order inasmuch as the learned single Judge has gone on the footing that the writ petitioner in the writ petition is a resident



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of Tiruppur. The long cause-title shows that the writ petitioner belongs to Vathirairuppu of Virudhunagar District and she has been working as a Staff Nurse in Urban Primary Health Centre at Tiruppur District. The place of work cannot be taken as a place of permanent residence. Even assuming that the writ petitioner is a resident of Tiruppur since the challenge is to the order appointing the fourth respondent at Rajapalayam which is within the jurisdiction of this Court, we find that the writ Court was not right in dismissing the writ petition on the ground of jurisdiction. Since the writ petition is dismissed without being numbered, we see no reason to issue notice the fourth respondent in this writ appeal.

4. The writ appeal is therefore allowed and the order of the learned single Judge, dated 24.07.2024, made in W.P(MD)SR.No.52116 of 2024, is set aside. There will be a direction to the Registry to number the writ petition and list it before the roster Court. No Costs.

[R.S.M., J.]

[L.V.G., J.]

08.08.2024

NCC :Yes/No
Index :Yes/No
Internet:Yes
PM



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