



W.P.(MD).No.31226 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31226 of 2023

U.Tamilselvi

... Petitioner

Vs

The Director,
Public Health and Preventive Medicine Department,
DMSS Complex,
Tenampet, Chennai - 6.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 12.12.2023 to transfer and post the petitioner as Sector Health Nurse at Pudhuchathiram Kannivadi Primary Health centre or at Block Developed Primary Health Centre at Thadikombu within the time frame fixed by this Court.

For Petitioner : Mr. A. Srinivasan

For respondent : Mr.M.Siddharthan
Special Government Pleader



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W.P.(MD).No.31226 of 2023

ORDER

The present writ petition has been filed seeking a direction to the respondent to consider the petitioner's representation, dated 12.12.2023 to transfer and post the petitioner as Sector Health Nurse at Pudhuchathiram Kannivadi Primary Health centre or at Block Developed Primary Health Centre at Thadikombu, Dindigul within the time frame fixed by this Court.

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

3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader for the respondent. Perused the materials on record.

4.The petitioner is working as Village Health Nurse at Moolanur. She is aged about 54 years and due to ailments, her uterus was removed. After that, she was not able to travel for long distance. Her present work place is 100 kms away from her residence. Hence, she made a representation to the respondent on 12.12.2023 to transfer her to Kannivadi Primary Health Centre



W.P.(MD).No.31226 of 2023

WEB COPY

or at Block Developed Primary Health Centre at Thadikombu in Dindigul District. Since the same was not considered, this petition came to be filed.

5. 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. In view of the same, without going into the merits of this case, this Court hereby direct the respondent to consider the representation of the petitioner, dated 12.12.2023 and pass orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



W.P.(MD).No.31226 of 2023

WEB COPY

7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

02.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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Public Health and Preventive Medicine Department,
DMSS Complex,
Tenampet, Chennai - 6.



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W.P.(MD).No.31226 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
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