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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 8759 of 2025

Mrs.M.Periyanayaki

... Petitioner

..Vs..

1. The Director
Medical and Rural Health Services
D.M.S. Campus
Thenampettai
Chennai – 600 006.

2. The Director
Director of Medical Education
Poonnamalli High Road, Kilpauk
Chennai -10.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus to direct the respondents herein to consider my representation dated 20.12.2024 and to transfer the petitioner from Government Medical College Hospital, Ramanathapuram, to post petitioner in Primary Health Center at Tirunelveli or Medical College Hospital Tirunelveli or any other place of petitioner native place Tirunelveli District.



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For Petitioner

:: Mr. R.K.Gandhi

For Respondents

:: Mr. M.Bindran
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to consider a representation dated 20.12.2024 and transfer the petitioner from Government Medical College Hospital, Ramanathapuram to Primary Health Center at Tirunelveli or Medical College Hospital at Tirunelveli or any other place of petitioner native place Tirunelveli District.

2. In the affidavit filed in support of the Writ Petition, it had been stated that owing to various circumstances within the family of the petitioner, she had chosen to work in Ramanathapuram Government Medical College as Staff Nurse. She now requests transfer to the Primary Health Center at Tirunelveli or Medical College Hospital at Tirunelveli.

3. It may not be required for this Court to examine the reasons for the



petitioner seeks such transfer.

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4. The first respondent, Director of Medical and Rural Health Services had forwarded instructions wherein he had very specifically stated that there are no vacancies at the place requested by the petitioner in Tirunelveli District. He had further stated that if any vacancy arises subsequent to the promotion to the post of Nursing Superintendent Grade-II based on seniority and merit, the request would be considered.

5. The second respondent, Director, Director of Medical Education, Poonnamalli High Road, Kilpauk, Chennai, had also forwarded instructions and stated that there are no vacancies for Staff Nursing in Tirunelveli District under the control of the third respondent. It had been stated that the first respondent is the panel drawing authority for the post of Nursing Superintendent Grade-II for the institutions coming under the control of the third respondent also.

6. Instructions very clearly state that there are no vacancies



available. The request of the petitioner cannot be granted or a Mandamus cannot be issued. The petitioner is now working as Staff Nursing. If she is promoted to the post of Nursing Superintendent, Grade-II on seniority and merit, then it had been stated that her request would be considered, which fact is also asserted by the learned Additional Government Pleader.

7. The Writ Petition stands disposed of. No order as to costs.

27.03.2025

vsg

Index: Yes/No

Internet: Yes/No

To

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C.V.KARTHIKEYAN, J.,



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