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W.P. No. 4123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 4123 of 2025

and

W.M.P. Nos. 4623, 4624 and 4627 of 2025

Dr.B.S.Kamalesan

... Petitioner

-VS-

1. Secretary to the Government of Tamil Nadu
Health Department, Fort St. George
Chennai – 600009.
 2. The Director
Directorate of Medical and Rural Health Services
No.359, DMS Complex
Anna Salai, Chennai-600006.
 3. The Director
Directorate of Medical and Rural Health Services (ESI)
ESI Hospital, Ayanavaram (Main Building)
No.53, Medavakkam Tank Road
Ayanavaram, Chennai-600023.
 4. Office of the Regional Administrative
Medical Officer, ESI Scheme
Vellore Region, No.30, Balaji Road
Krishna Nagar, Tollgate Vellore – 632001.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for records relating to the impugned notice in Ref.No.00192/E1/1/2025 dated 28.01.2025 passed by the second respondent and quash the same.



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For Petitioner : Mr.S.Lakshmikanth

For Respondents : Ms.M.Sneha, Spl.Counsel
(For Health & Family Welfare Department)

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ORDER

This writ petition has been filed challenging the notice in Ref.No.00192/E1/1/2025 dated 28.01.2025 issued by the second respondent.

2. Heard Mr.S.Lakshmikanth, learned counsel for the petitioner and Ms.M.Sneha, learned Special Counsel for Health & Family Welfare Department/ respondent.

3. The petitioner is now working as Medical Officer at Shoolagiri Employee's State Insurance Dispensary, Shoolagiri Taluk, Krishnagiri District. He opted inter Directorate counselling and he has been posted at Shoolagiri in pursuant to an option exercised by him. He has been working in the same station for more than 10 years. The second respondent is conducting transfer counselling on 05.02.2025 and 06.02.2025 but the procedure contemplated for the transfer counselling is deviated, despite there are vacancies available and the petitioner opts that vacancy, he is not yet given with the transfer order.



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4. During the intra transfer counselling also he was not able to get the place of his option. So, the learned counsel for the petitioner submitted that as the vacancy continues to exist in the SIPCOT, Hosur, one post may be reserved for the petitioner, which is going to be held today at 4.00 p.m.

5. The learned Special Counsel for the Health and Family Welfare Department /respondent submitted that the petitioner got the call letter and it is upto him to participate in the transfer counselling. Nothing will prevent him from taking part in the transfer counselling. Hence, the petitioner need not fret to get an order from this Court to participate in the transfer counselling, which is going to be held today. However, there cannot be any assurance to the place might choose, of the same place is opted by the persons senior to him. The petitioner has to wait to know the result of his option and he cannot come to any pre-conclusion that his option will be rejected.

6. The petitioner is not able to make out any substantial point or ground to show that there are some procedural deviation occurred in the transfer counselling, which is being conducted by the second respondent. In case, the petitioner is not able to get the option chosen by him and if he comes to know that it is still available without being allotted to any one, he is at liberty to give



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a representation to the first and second respondents. In that case, the first and second respondents shall consider and pass appropriate orders to accommodate him suitably if he is otherwise found eligible to get the place of his choice.

7. In the result, the writ petition is disposed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.02.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Secretary to the Government of Tamil Nadu
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2. The Director
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R.N.MANJULA, J.

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