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W.P.No.4039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

**Writ Petition No.4039 of 2023**  
**and W.M.P.No.4079 of 2023**

V.Juliet Jaishree Rani

... Petitioner

Vs.

1.Director of Public Health  
and Preventive Medicine,  
Chennai – 600 006.

2.Office of the Block Medical Officer,  
Govt. Primary Health Centre,  
Nandhivaram – 603 202,  
Chengalpattu District.

3.Deputy Director of Health Services,  
Chengalpattu District – 603 001.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records pertaining to the proceedings of the Director of Public Health and Preventive Medicine, Chennai – 600 004, made in Na.Ka.No.3856179/PTHO5/A1/2023-1, dated 08.01.2023, the first respondent herein and the consequential order passed by the Block Medical Officer, Government Primary Health Centre, Nandhivaram – 603 202 made in R.No.046/PHC/2023 dated 24.01.2023 the



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second respondent herein and quash the same.

*(Prayer amended as per the order dated 08.01.2025 made in WMP.No.5714 of 2023 in W.P.No.4039 of 2023 by JSNPJ)*

For Petitioner : M/s.D.Vinutha Shree  
for Mr.N.Damodaran

For Respondents 1 to 3 : Mr.K.Tippu Sulthan,  
Government Advocate

### **ORDER**

This writ petition has been filed by the petitioner to call for the records pertaining to the proceedings of the Director of Public Health and Preventive Medicine, Chennai-600 004, made in Na.Ka.No.3856179/PTHO5/A1/2023-1, dated 08.01.2023, the first respondent herein and the consequential order passed by the Block Medical Officer, Government Primary Health Centre, Nandhivaram – 603 202 made in R.No.046/PHC/2023 dated 24.01.2023 the second respondent herein and quash the same.

2. The case of the petitioner is that the petitioner has completed here M.B.B.S. Degree in the year 2003 and enrolled herself in the Employment Exchange. By proceedings dated 13.02.2009, issued by the first respondent



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herein, the petitioner was appointed as Assistant Surgeon on temporary basis and posted at the Primary Health Centre, Vadavur with usual allowances.

The petitioner has been posted at different places thereafter and since March, 2022, she was working in Primary Health Centre, Kunnavakka. During October 2021, the petitioner was suffering from Excessive uterine Bleeding and had undergone treatment for the same, due to which she had taken sick leave.

2.1. On a request made by the petitioner, the third respondent herein by proceedings dated Nil.03.2022, had transferred the petitioner to Primary Health Centre, Kunnavakkam. The first respondent issued a proceedings dated 08.01.2023, thereby transferring the petitioner from Primary Health Centre, Kunnavakkam to Primary Health Centre, Kariyapattinam, Nagapattinam District citing administrative reasons, even before the completion of one year from the date of joining in Primary Health Centre, Kunnavakkam, without following the guidelines envisaged in G.O.(2D) NO.131, Health and Family Welfare (A1) Department, dated 20.11.2007. Subsequently, the third respondent vide R.No.046/PHC/2023, dated



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24.01.2023 issued a relieving order to the petitioner. Challenging the said proceedings dated 08.01.2023 & 24.01.2023 issued by the respondents 1 & 3, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that the petitioner could not join the place of posting i.e., the Primary Health Centre, Kariyapattinam, Nagapattinam District due to medical reasons and the petitioner is willing to give Voluntary Retirement.

4. Learned Government Advocate appearing for the respondents would submit that the petitioner was on unauthorised absence from duty for the past 1 ½ years and she has to approach the first respondent with a representation citing reasons for not joining the place of posting i.e., the Primary Health Centre, Kariyapattinam, Nagapattinam District and also request the first respondent to post her in somewhere nearby places in Chennai.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. In view of the submission made by the learned counsel on either side, this Court issues the following directions:

(i) The petitioner is directed to give a representation before the first respondent citing reasons for not joining the place of posting i.e., the Primary Health Centre, Kariyapattinam, Nagapattinam District, within a period of three weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation, the first respondent is directed to consider the case of the petitioner, based on the reasons stated in the representation on merits, including her willingness to go on Voluntary Retirement, in accordance with law and pass appropriate orders, within a period of three weeks thereof.

7. This writ petition is disposed of with the above said observation and directions. No costs. Consequently, connected miscellaneous petition is closed.

**08.01.2025**

**Note:** Registry is directed to carry out the necessary amendment in the prayer of this writ petition.

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Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No

**J.SATHYA NARAYANA PRASAD,J.**

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To:

- 1.Director of Public Health  
and Preventive Medicine,  
Chennai – 600 006.
- 2.Office of the Block Medical Officer,  
Govt. Primary Health Centre,  
Nandhivaram – 603 202,  
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- 3.Deputy Director of Health Services,  
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