



W.P.No.16068 of 2024

WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16068 of 2024
and
W.M.P.Nos.17578 and 17579 of 2024

C. Jose

...Petitioner

Vs

1. The Director of Medical and Rural Health Services,
DMS Complex, Chennai – 600 006.

2. The Director of Medical Education,
Periyar EVR High Road, Kilpauk
Chennai 600 010.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the request of the petitioner for transfer to any existing vacancy or future vacancy that may rise in the post of staff Nurse in any hospital in Kanyakumari District on the basis of his seniority and the date when he first made a request for such transfer and pass orders.

For Petitioner : M/s.Ramapriya GopalaKrishnan

For Respondents : Mr.M.Bindran, AGP



W.P.No.16068 of 2024

WEB COPY

ORDER

This petition is filed seeking to issue a Writ of Mandamus directing the respondents to consider the request of the petitioner for transfer to any existing vacancy or future vacancy that may rise in the post of staff Nurse in any hospital in Kanyakumari District on the basis of his seniority and the date when he first made a request for such transfer and pass orders.

2. The facts of the case is that the petitioner is working as Staff Nurse in the Government Medical College Hospital, Omandurar Estate, Chennai and he made a request to transfer him to any Government Hospital in Kanyakumari District on humanitarian or compassionate grounds in the light of the health condition of his family members. The representation was given to the respondents on 07.03.2024. However, there was no progress in the said representation, hence this petition.

3. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the representation of the petitioner and pass orders.



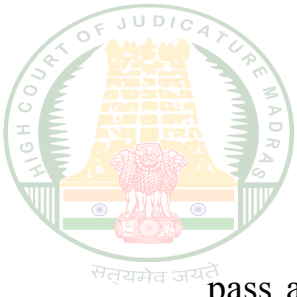
W.P.No.16068 of 2024

WEB COPY

4.The learned Additional Government Pleader appearing for the respondents produced a letter in Ref.No.39655/N2/2/2024 dated 19.12.2024 wherein it was stated that the petitioner shall be diverted to Government District Headquarters Hospital, Padmanabhapuram, Kanyakumari District since there is no vacancy at present in the Kanyakumari District to consider him for transfer. It was further stated that the petitioner will be considered for transfer to any of the arising vacancies in KanyaKumari District after the promotion counseling for the post of Nursing Superintendent Grade III which is to be conducted shortly.

5. Heard both sides and perused the materials available on records.

6. In view of the above, it is made clear that the first respondent has passed an order on 19.12.2024 stating that the petitioner will be diverted to Government District Headquarters Hospital, Padmanabhapuram, Kanyakumari District. However, transfer order was not issued to the petitioner. Hence this Court directs the respondents to



W.P.No.16068 of 2024

WEB COPY

pass appropriate order to the petitioner for diversion within a period of four weeks from the date of receipt of a copy of this Order.

7. With the above directions this writ petition stands disposed of.

No order as to costs. Consequently, the connected miscellaneous petitions are closed.

29.01.2025

Index: Yes/No

Speaking order/Non-speaking order
smn

To.

1. The Director of Medical and Rural Health Services,
DMS Complex, Chennai – 600 006.

2. The Director of Medical Education,
Periyar EVR High Road, Kilpauk
Chennai 600 010.



WEB COPY



W.P.No.16068 of 2024

V.BHAVANI SUBBAROYAN,J.

Smn

W.P.No.16068 of 2024
and
W.M.P.Nos.17578 and 17579 of 2024

29.01.2025