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W.P No.23811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.23811 of 2025

and

Writ Miscellaneous Petition Nos.26800 & 26801 of 2025

1.Dr.V.Praveena
2.Dr.P.Jeevitha
3.Dr.R.Suganya
4.Dr.M.Thulasi
5.Dr.T.Subapriya
6.Dr.P.Ramya

... Petitioners

..Vs..

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.

2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai-10.

3.Directorate of Medical and Rural Health Services,
Represented by the Director of Medical Health and Rural Health Services,
No.359, Anna Salai, Chennai-6.

4.Directorate of Public Health and Preventive Medicine,
Represented by the Director of Public Health and Preventive Medicine,
No.359, Anna Salai, Chennai-6.



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned transfer and posting orders given to the petitioners vide Ref.No.004818/E1/3/2025-8, Ref.No.004818/E1/3/2025-22, Ref.No.004818/E1/3/2025-64, Ref.No.004818/E1/3/2025-32, Ref.No.004818/E1/3/2025-13 and Ref.No.007818/E1/3/2025-23 dated 17.06.2025 respectively issued by the 3rd respondent, and quash the same and consequently direct the respondents to post the petitioners within the same district.

For Petitioners : Mr.M.Venkatesh

For Respondents : Mr.K.Tippu Sultan,
Government Advocate

ORDER

The present wit petition has been filed with a prayer to quash the impugned transfer and posting orders vide Ref.No.004818/E1/3/2025-8, Ref.No.004818/E1/3/2025-22, Ref.No.004818/E1/3/2025-64, Ref.No.004818/E1/3/2025-32, Ref.No.004818/E1/3/2025-13 and Ref.No.007818/E1/3/2025-23 dated 17.06.2025 respectively, issued by the 3rd respondent.

2. The learned counsel appearing on behalf of the petitioner would submit that the 5th petitioner namely Dr.T.Subapriya, though has objected the transfer order, joined the duty and that the 5th petitioner has no grievance in



respect of the transfer order. Hence, as against 5th petitioner Dr.T.Subapriya, the writ petition is dismissed.

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3. As far as the other petitioners 1 to 4 and 6 are concerned, the learned counsel for the petitioners would submit that the 3rd petitioner Dr.R.Suganya is in a family way, and 6th petitioner Dr.P.Ramya is a lactating mother having children aged about 1 year. It is the further submission of the learned counsel that according to the G.O.(2D).No.131 issued by the Health and Family Welfare (A1) Department, dated 20.11.2007, the persons those who have been appointed through TNPSC or through Employment Exchange are not eligible to participate in the counselling, therefore they cannot be transferred within a period of one (1) year from the date of joining.

4. However, the learned Government Advocate appearing on behalf of the respondents would strongly object the contention of the petitioners and would submit that the denial of permission for counselling does not mean that they should not be transferred. It is the further submission of the learned Government Advocate that the transfer is incidence of service and no individual can choose their place of posting. The learned Government



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Advocate would further submit that the grievance of the petitioners are not that they are not liable to be transferred but their grievance is that they do not have the place which they preferred as it was filled through their seniors.

5. I have given my anxious consideration on either side submission.

6. It is well settled principles of law that the transfer is incidence of service and the employer is the best Judge to decide, where the concerned persons to be posted. The only grievance of the petitioners is that they should not have been called for counselling as it is against the guidelines for transfer and promotion vide G.O.(2D).No.131 dated 20.11.2007. It is well settled principles of law that any guidelines in respect of transfer, will not have a force of statute, but to maintain effective transparency, such guidelines are being issued. Therefore the petitioners by relying upon the guidelines cannot contend that their transfer is in contravention to the guidelines.

7. It is well settled principles of law, while exercising the power of judicial review, this Court cannot micromanage the administration and when the administration decides that the petitioners to be transferred to the



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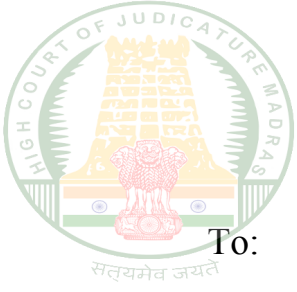
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respective place, this Court do not find any ground to interfere with the same unless the same is tainted with mala fide. However, while looking at the submissions of the petitioners the 3rd petitioner is in the family way and the 6th petitioner being a lactating mother, this Court would like to show some sympathy to them while dismissing the writ petition by directing the respondents to consider the petitioners' representation.

8. In the result, the writ petition is dismissed. However, the petitioners 1 to 4 and 6 are at liberty to give a fresh representations to the respondents within seven (7) days from the date of receipt of a copy of this order and on receipt of such representations, the respondents are directed to consider the same within a further period of two (2) weeks thereafter. Until then, the impugned transfer and posting orders and subsequent relieving orders are stayed. No costs. Consequently, the connected miscellaneous petitions are also closed.

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



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To:

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- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
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C. KUMARAPPAN, J.
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