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W.P.No.32028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32028 of 2025

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W.M.P.Nos. 35890 & 35894 of 2025

S.Viswa

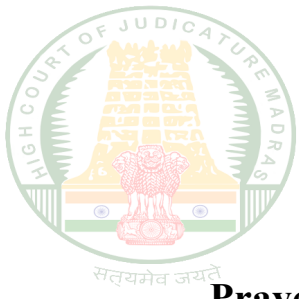
...Petitioner

Vs.

1.The Director
Medical and Rural Health Services,
DMS Campus,
Tenampettai,
Chennai – 600 006.

2.The Director,
Director of Medical Education,
Poonamalli High Road, Kilpuak,
Chennai – 10.

...Respondents



W.P.No.32028 of 2025

WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Certiorari, call for records in connection with the proceedings in Ref No. 13028/N2/2025 dated 16.06.2025 of 1st respondent in respect of petitioner only and quash the same and to direct the respondents herein to consider the petitioner's representation dated 24.06.2025 and to transfer the petitioner from Government Head Quarters Hospital, Perambalur, to the Government Medical College Hospital at Aasaripallam Kanyakumari or Kuzhithurai Government Hospital or any one Government Hospital or any one Urban Primary Health Centres at Kanyakumari District which is nearest to the petitioner native place.

For Petitioner : Mr. R.K.Gandhi

For Respondents : Mr. M.Bindran
Additional Government Pleader.



WEB COPY



W.P.No.32028 of 2025

ORDER

The Writ Petition is filed for the following relief:

“call for records in connection with the proceedings in Ref No. 13028/N2/2025 dated 16.06.2025 of 1st respondent in respect of petitioner only and quash the same and to direct the respondents herein to consider the petitioner's representation dated 24.06.2025 and to transfer the petitioner from Government Head Quarters Hospital, Perambalur, to the Government Medical College Hospital at Aasaripallam Kanyakumari or Kuzhithurai Government Hospital or any one Government Hospital or any one Urban Primary Health Centres at Kanyakumari District which is nearest to the petitioner native place”.

2. The petitioner seeks to call for the records dated 16.06.2025 in Ref.No.13028 / N2 / 2025 in respect of the petitioner alone and to direct the respondents to consider a representation dated 24.06.2025



W.P.No.32028 of 2022

and transfer her from the Government Head Quarters Hospital, Perambalur to Government Medical College Hospital at Aasaripallam Kanniyakumari or Kuzhithurai Government Hospital or any other Government Hospital.

3. It is her contention that she has been appointed as a Staff Nurse on a consolidated pay in the year 2015 at Government Medical College Hospital, Sivagangai. Her services were later confirmed and regularised by the respondents in the year 2019. She was transferred to the Government Head Quarters Hospital, Perambalur. Thereafter, she got married to one Aji from Kanniyakumari.

4. Her husband is engaged in wood work at Aasaripallam. She has been blessed with two children, a daughter, aged 8 and a son, who is just 1 ½ years old. The children are being taken care of by her husband and his elder parents. Further, the petitioner's mother who is over 85 years in the age is bed ridden and suffers from several age related ailments and it is the petitioner who is taking care of her.

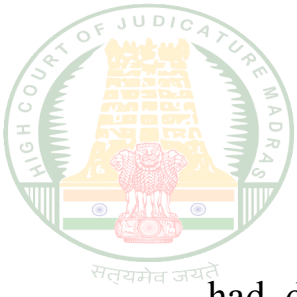


W.P.No.32028 of 2022

WEB COPY

5. Likewise, her mother in law has several health issues and is finding it very difficult to take care of the children especially when the children fall ill. The petitioner, as a mother, is unable to attend to the needs of her children on account of her being posted away from her home town. In addition to all these problems the petitioner is also suffering from Spinal cord problem for which she is undergoing treatment at a Government Medical College Hospital, Kanniyakumari.

6. While she was working at Government Head Quarters Hospital, Perambalur, she had made a request for transfer to the Primary Health Centre, Kanniyakumari, Government Medical College Hospital, Kanniyakumar or any other Government Hospital in the said District. In response to this request the respondents had issued a diversion order dated 24.01.2020 assigning duty at Government Kanniyakumari Medical College Hospital and she has been serving in the said Hospital.



W.P.No.32028 of 2025

WEB COPY

7. All of a sudden by order dated 16.06.2025 the 2nd respondent had directed the petitioner to report back to the Government Head Quarters Hospital, Perambalur. In view of the facts narrated above she would submit that she is suffering immense hardship working at Perambalur. Therefore, she has come forward with the above Writ Petition.

8. By impugned order the 1st respondent had cancelled the diversion order already issued by them. The reason given is administrative and for the welfare of the patients. The petitioner was posted at the Government Medical College Hospital, Kanyakumari, by diversion order dated 24.01.2020.

9. Heard the learned counsels on the either side.

10. The petitioner has to not only take care of her mother who is bed ridden but also her husband, children and her family. It is seen that by order dated 16.06.2025 the 1st respondent had passed an order



cancelling the diversion order issued to about 95 persons and directed them to join their original stations.

11. One of such candidates at S.No.65 Alagulakshmi who was diverted to Government Hospital, Sivagiri, Tenkasi, from Tiruvarur Medical College Hospital had made a request on the ground of administrative reasons and on citing health conditions. The diversion cancellation order of her name was withdrawn by order dated 07.07.2025.

12. The petitioner also seeks retention at Kanniyakumari District for various reasons. She not only has a 1 ½ year old son but also a aged bed ridden mother as aged in laws to take care. At present the children are being taken care of by her husband and mother in law.

13. It is taking into account the above reasons that the original diversion order had been given. Now without even giving an opportunity to the petitioner the impugned order has been passed.



W.P.No.32028 of 2025

Further, the petitioner had given a representation dated 24.06.2025 calling upon the respondents to sympathetically consider her request for retaining her at Kanniyakumari. However, the same was not considered.

14. The Writ Petition is therefore allowed and the impugned order is set aside. The respondents shall consider the representation dated 24.06.2025 and pass orders taking into account the order passed in favour of S.Alagulakshmi, within a period of 3 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

26.08.2025

Index : Yes/No
Internet : Yes/No
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To

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W.P.No.32028 of 2023

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P.T. ASHA, J



WEB COPY



W.P.No.32028 of 2025

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W.P.No. 32028 of 2025

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