



W.P.(MD)No.15808 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15808 of 2025

and

WMP (MD) No.11974 of 2025

A.Kaja

: Petitioner

Vs.

1. The Director of Medical Education,
Kilpauk, Chennai-600 010.

2. The Director Of Medical And Rural Health Services,
D.M.S.Complex,
Anna Salai, Chennai-600 006.

3. The Dean
Cumbum Government Hospital,
Theni District.

4. The Dean
Government Rajaji Hospital,
Madurai,
Madurai District-625 009.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 herein to transfer the Petitioner from Cumbum Government Hospital, Theni District to Government Rajaji Hospital, Madurai District in the vacancy for the post of Lab Technician Grade-II now available w.e.f. 31.05.2025 due to superannuation of Mrs.Santhi Rani, within a stipulated time by considering the petitioner's representation dated



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16.04.2025.

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For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.VM.Siddharthan

Addl. Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to transfer the petitioner from Cumbum Government Hospital, Theni District to Government Rajaji Hospital, Madurai District to fill the vacancy for the post of Lab Technician Grade-II, which will be available with effect from 31.05.2025 due to the superannuation of Mrs. Santhi Rani, within a stipulated time, by considering the petitioner's representation dated 16.04.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that he was appointed as a Lab Technician Grade-III at Koodalur Primary Health Centre, Theni District, on 12.12.2008, and was subsequently promoted as 'Lab Technician Grade-II' at Government Medical College, Thiruvarur District on 10.03.2011. Initially, the said transfer benefited the petitioner as it enabled him to take care of his wife, who was suffering from cancer. Unfortunately, the petitioner's wife passed away on 17.07.2024. The petitioner now faces hardship, as there is no one to take care of his son following his wife's demise.



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Upon learning of an upcoming vacancy at Government Rajaji Hospital, Madurai, the petitioner submitted a representation dated 29.04.2025 through proper channel to the respondents 1 and 2, requesting a transfer from the third respondent hospital to the fourth respondent hospital at Madurai. However, as no action has been taken on his request, the petitioner has now filed the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 29.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views



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with regard to the merits of the matter and that it is open to the (*)second
respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

(*)Corrected as per order of this Court dated 21/07/2025 in WMP(MD)No15267/2025 in WP(MD)15808/2025.

Sd/-(17.06.2025)

// True Copy //

Assistant Registrar(CS II)

/ /2025

Sub Assistant Registrar
(CS-I/II/III/IV)

PKN

To

(*) To be substituted to the order already despatched on 30/06/2025.

1. The Director of Medical Education,
Kilpauk, Chennai-600 010.

2. The Director Of Medical And Rural Health Services,
D.M.S.Complex,
Anna Salai, Chennai-600 006.

3. The Dean
Cumbum Government Hospital,
Theni District.



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4. The Dean
Government Rajaji Hospital,
Madurai,
Madurai District-625 009.

+1 CC to M/s.S.BHARATHY KANNAN, Advocate (SR-34770[F] dated
17/06/2025)

+1 CC to M/s.SPL.GP (SR-35542[F] dated 19/06/2025)

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17.06.2025

SL(27.06.2025)/5P/ 7C

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JJ/07.08.2025 5P/ 7C

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