



WP(MD). No.22077 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**WP (MD). No.22077 of 2025 and
WMP(MD) Nos.17181 and 17182 of 2025**

M.Devaki

... Petitioner

Vs

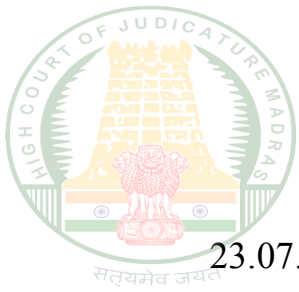
1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009..

2. The Director of Medical Education and Research (Fac),
Kilpauk,
Chennai - 600 010..

3. The Dean (Fac),
Kanyakumari Government Medical College,
Asaripallam 629 201,
Kanyakumari District..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to impugned order issued by the 3rd respondent in R.No. 9102/E2(1)/2025 dated 16.07.2025 and the subsequent impugned order issued by the 2nd respondent in Ref.No. 68803/E3/1/2025-16 dated



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23.07.2025 and to quash the same.

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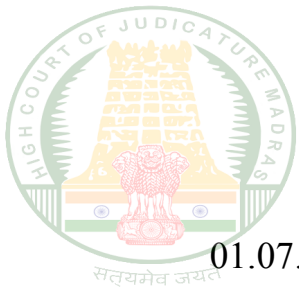
For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed challenging the impugned order issued by the 3rd respondent in R.No.9102/E2(1)/2025 dated 16.07.2025 and the subsequent impugned order issued by the 2nd respondent in Ref.No. 68803/E3/1/2025-16 dated 23.07.2025.

3. The grievance of the petitioner is that the petitioner was appointed as Assistant Surgeon in Dental Surgery through Medical Recruitment Board and subsequently, she was posted at Sivagangai Medical College on 18.06.2015, since then, she was working there and on the restructuring of the post of Assistant Surgeon as Assistant Professor, the petitioner is working as Assistant Professor. Subsequently, she was transferred to Kanyakumari Government Medical Hospital on



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01.07.2021. While so, vide impugned orders of the 3rd and 2nd respondents dated 16.07.2025 and 23.07.2025, she was relieved from Kanyakumari and she was transferred to Cuddalore Dental College and Hospital as Assistant Professor of Paedodontics. Challenging the said transfer orders, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that when the juniors of the petitioner are available, the transfer made is illegal and not sustainable one. The learned counsel would submit that the transfer and posting ought to have been considered as per CML seniority. However, vide impugned order of transfer, no CML seniority has been followed and violating the conditions, though juniors are available and leaving them to be included in the panel, the petitioner, who is senior-most in the CML seniority, has been included and transfer order has been issued and the petitioner was also relieved from her original place, ie., Kanyakumari District. Since the CML seniority has been violated and no consent has been obtained from the petitioner, the learned counsel would submit that the impugned transfer order is liable to be interfered with and accordingly, prays for interference.



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5. The learned Government Advocate, on the other hand, would submit that since the petitioner has undergone MDS in Paedodontics, however, she has been posted as Assistant Professor of Dental Surgery at Kanyakumari Government Medical College and in the said post, any qualified dental surgeons can be posted and the petitioner has now been posted in her concerned speciality itself as Assistant Professor of Paedodontics at Cuddalore and therefore, he would submit that the petitioner has been rightly considered in that place and transferred and it cannot be stated to be illeal. He would further contend that totally there are four vacancies in the department of Paedodontics in Government Dental Hospital, Pudukottai and Cuddalore. Hence, based on the CML seniority, the transfer order has been issued. Therefore, the petitioner has been rightly transferred and relieved and hence, it is not stated to be in violation and accordingly, prays for interference.

6. I have considered the rival submissions and perused the materials available on record.



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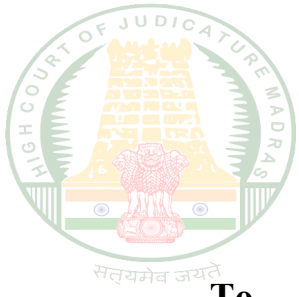
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7. The petitioner filed this writ petition challenging the order of transfer. It is to be noted that based on the counseling process, the transfer and posting has been made. It is the case of the petitioner that when juniors are available, transferring the seniors is illegal. It is to be noted that when there are no juniors available, then the senior most person has to be transferred and hence, the petitioner has been transferred. As per the submission of the respondents, the petitioner has been transferred to her speciality unit. It is also represented that the person senior to the petitioner has also been transferred and hence, it is not stated to be punitive or illegal transfer.

8. For all these reasons, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

29.08.2025

NCC : Yes/No
Index : Yes/No
RR



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To

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M.DHANDAPANI,J

RR

**ORDER
IN
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Date : 29/08/2025