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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.10.2025**

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.25665 of 2025
and
WMP(MD).Nos.20099 & 20100 of 2025

Dr.J.Jayakumar ...Petitioner

Vs

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

2. The Deputy Director,
Directorate of Medical Education and Research,
Kilpauk, Chennai-10.

3. The Dean,
Government Medical College,
Virudhunagar. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned intimation proceedings in Ref.No. 79259/N2/2025 dated 03.09.2025 of the 2nd respondent and quash the same as illegal and arbitrary, and consequently to direct the 2nd respondent to consider the petitioner's name for transfer to the post of Nursing Tutor Grade-II in Cuddalore District or any other nearby District based on the availability of the vacancy.

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For Petitioner : M/s.A.Sheik Nasurdeen

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned intimation proceedings in Ref.No.79259/N2/2025 dated 03.09.2025 of the 2nd respondent and seeking consequential direction to the 2nd respondent to consider the petitioner's name for transfer to the post of Nursing Tutor Grade-II in Cuddalore District or any other nearby District based on the availability of the vacancy.

2. The learned Counsel for the petitioner would submit that the petitioner is currently working as Nursing Tutor Grade II at Government Medical college, Virudhunagar. A notification was issued on 22.08.2025, notifying the transfer counselling for the post of Nursing Tutor Grade-II. Willingness of Nursing Tutor Grade-II were called for from such persons who have completed one year in the present station. Apart from envisaging the manner in which the seniority would be followed and requirement of the certificate from the head of the institution certifying that there is no disciplinary proceedings against the said individual. The

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petitioner came to be transferred from Cuddalore to Virudhunagar on 12.07.2024. Therefore, as on the date of the said notification, the petitioner had completed one year of service. He further submits that with regard to the seniority, only the station seniority would be taken and in the station no other person have opted for participation in the transfer counselling and therefore the said requirements also cannot be put against the petitioner. That apart, he would submit that the certificate has also be given by the head of the Institution. In that regard, a tentative panel was published on 02.09.2025, where the petitioner's name have been included as eligible to participate in the counselling. But, however, when the list of eligible candidates to participate in the transfer counselling was published, the name of the petitioner was not found. On verification it was found that the petitioner was not eligible to participate in the counselling as he had been transferred to the said place on administrative grounds and therefore such persons who have been transferred cannot be entitled to participate in the transfer counselling. He would submit that in the notification dated 22.08.2025, no such condition has been prescribed and therefore the non-inclusion of the petitioner for the transfer counselling would have to be interfered with and appropriate orders have to be passed.

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3. Countering his argument, Mr.N.Satheesh Kumar, the learned Additional Government Pleader would submit that counseling through transfer and promotion are being governed based upon the Government Order in G.O.(2D).No.131, Health and Family Welfare (A1) Department, dated 20.11.2007. As per clause 10.13(i), those persons who have been transferred on administrative grounds or grounds of allegations will not be eligible for transfer for the next three years and therefore they could not be permitted to participate in the transfer counselling till they complete three years. He would further submit that it cannot be disputed that the petitioner was transferred on administrative grounds on 12.07.2024 from Cuddalore to the present station and therefore his name was not included in the final list published on 03.09.2025. He would submit that reliance placed upon by the petitioner on the list published on 02.09.2025 is only a tentative list, it is only based upon the recommendations made by the Head of the institution. Only after publication of the same, it has come to the notice of the respondent that the petitioner was transferred on the administrative grounds. He further submits that the contention of the respondent that the notification dated 22.08.2025 do not reflects such condition is wholly unfounded as the said notification had been issued only on the basis of the Government

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Order dated 20.11.2007. Further, the notification also indicates that as per the aforesaid Government Order only the willing participants were entitled to apply. Therefore, he would submit that the contention of the learned Counsel for the petitioner is liable to be rejected.

4. I have considered the submissions made on either sides and perused the materials available on record.

5. The petitioner had been transferred from the present station in the month of July 2024. It is not disputed by the petitioner that such transfer to the present station had been made on administrative grounds. Counselling for transfer are held, based on the Government Order issued in this regard. The said Government Order envisages that a person who had been transferred on administrative grounds or on the grounds of allegations would not be entitled for transfer till the period of three years is completed. When that be the position, the claim of the petitioner who had been transferred on administrative grounds to participate in a transfer counselling within a period of the said three years cannot be entertained. The claim of the petitioner is that the notification dated 22.08.2025, does not envisage such condition is also not well founded,

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for the simple reason that the said notification envisages that as per the said Government Order who are all willing to participate should have been completed one year of service as per the said Government Order. Therefore, the application of Government Order in G.O.(2D).No.131, Health and Family Welfare Department, dated 20.11.2007 had been indicated in the said notification.

6. For the aforesaid reasons, this Court do not find any merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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Health and Family Welfare Department,
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Chennai-600 009.

2. The Deputy Director,
Directorate of Medical Education and Research,
Kilpauk, Chennai-10.

3. The Dean,
Government Medical College,
Virudhunagar.

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K.KUMARESH BABU, J.

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