

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.32370 of 2015

1. K.Muthusamy
2. S.M.Subramaniam
3. K.Senthil Kumar
4. S.Periyasami

...Petitioners

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
2. The Mission Director,
Department of Health & Family Welfare,
Government of Tamil Nadu,
5th Floor, DMS Annex Building,
DMS Complex, 359 Anna Salai,
Teynampet, Chennai - 600 006.
3. The Director of Drug Controller,
DMS Campus, Teynampet,
Chennai - 6.
4. The Director,
Directorate of Medical & Rural Health Services,
DMS Buildings, 359, Anna Salai,
Teynampet, Chennai - 6.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus, directing the respondents 1 and 2 herein to consider the petitioner's representations dated 12.06.2015 and 21.07.2015, seeking to recognize the CMS Certificates and include the petitioners as C-Grade Physician in the State Medical Register enabling them to treat in the rural areas by prescribing the essential 31 drugs,

as recommended and forwarded by the Central Government by proceedings dated 19.05.2015 and 01.07.2015 and also in view of the Judgment rendered by the Hon'ble Supreme Court in the decision reported in 2003 (2) Supreme I.

For Petitioner : Mr.G.Arul Murugan

For R1 to R4 : Mr.P.Sanjay Gandhi,
Additional Govt. Pleader

ORDER

The petitioners made a representation to the Central Government, namely, Ministry of Health and Family Welfare Department, seeking to recognize the CMS Certificate and to consider them (C.M.S holders) as 'C' grade Physician in rural areas. The petitioners' representation was referred to the first respondent for appropriate orders as seen from the letter dated 19.05.2015. Thereafter, the petitioners made a further representation to the first respondent on 12.06.2015, which was followed by another letter of the Central Government dated 01.07.2015. Thereafter, the petitioners made another representation dated 21.07.2015. Despite the same, there was no action on the side of the respondents. Hence, the present writ petition has been filed.

2. Taking note of the above, the writ petition is disposed of by directing the first respondent to pass appropriate orders on the communication sent by the Central Government as well as the representations made by the petitioners dated 12.06.2015 and 21.07.2015, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ogy

To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
2. The Mission Director,
Department of Health & Family Welfare,
Government of Tamil Nadu,
5th Floor, DMS Annex Building,
DMS Complex, 359 Anna Salai,
Teynampet, Chennai - 600 006.
3. The Director of Drug Controller,
DMS Campus, Teynampet,
Chennai - 6.
4. The Director,
Directorate of Medical & Rural Health Services,
DMS Buildings, 359, Anna Salai,
Teynampet, Chennai - 6.

1 CC to Mr.G.Arul Murugan, Advocate SR.No. 57294

1 CC to the Government Pleader, SR.No. 57713

W.P. No.32370 of 2015

PA (CO)
PSI (28.10.2015)

सत्यमेव जयते

WEB COPY