

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4588 of 2018

Mrs.R.Kalaichelvi

.. Petitioner

-vs-

1. The Principal Secretary to Government
Department of Health and Family Welfare
Government of Tamil Nadu
Fort St.George
Chennai 600 009
2. The Director
Department of Public Health & Preventive Medicine
Chennai 600 006 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to consider the representation dated 30.11.2017 to post the petitioner as a State Maternal and Child Health Officer.

For Petitioner :: Mr.R.Bharanidharan

For Respondents :: Mr.R.S.Selvam
Government Advocate

ORDER

The petitioner was initially appointed as a Staff Nurse at the Government Kasturba Gandhi Hospital, Chennai and after sometime, she was also appointed as a Public Health Nurse. Later on, the said post was re-designated as Maternal and Child Health Officer (MCHO). On seeing her performance being satisfactory in nature, she was given promotion to the post of Health Educator Training Officer. In the meanwhile, the second respondent has framed the adhoc rules for the post of State Maternal and Child Health Officer. The petitioner, explaining her qualification, gave representations to the respondents 1 & 2 on 12.8.2014 and 8.5.2015 seeking promotion to the post of State Maternal and Child Health Officer. Finding no response, she came to this Court with W.P.No.27630 of 2015 seeking a mandamus to consider her representation. This Court also, considering the limited

prayer, by order dated 3.9.2015, directed the respondents 1 & 2 to consider and dispose of the petitioner's representation dated 8.5.2015 on merits and in accordance with law, after putting on notice the persons concerned, within a period of six weeks from the date of receipt of copy of the order. In the meanwhile, the petitioner was also appointed as the Joint State Maternal and Child Health Officer (Training) in the office of the Director of Public Health and Preventive Medicine vide the proceedings of the second respondent in R.No.76470/MP3/S1/2014 dated 26.7.2016. Therefore, she has given two more representations on 5.6.2017 and 30.11.2017, which are not disposed of. Hence a direction is sought for.

2. The learned Government Advocate for the respondents submitted that the case of the petitioner will be looked into on the basis of seniority while disposing of her representations.

3. This Court hereby directs the respondents 1 & 2 to consider the representation of the petitioner on merits, in the light of the direction issued by this Court vide the order dated 3.9.2015 passed in W.P.No.27630 of 2015, and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government
Department of Health and Family Welfare
Fort St.George
Chennai 600 009.

2. The Director
Department of Public Health & Preventive Medicine
Chennai 600 006.

+1cc to Mr.S.Wilson Advocate SR.No.15777

+1cc to the Government Pleader SR.No.16314

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SDR 20.03.2018