

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.24194 of 2018

K.Saraswathi

... Petitioner

Vs

1.The Health Secretary,
Ministry of Health and Family Welfare,
Fort.St. George,
Chennai - 600 009.

2.The Dean,
Govt.Stanley Medical College & Hospital,
Chennai - 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 14.06.2018 on merits and in accordance with law to permit the petitioner to run a bunk stall within the 2nd respondent hospital premises.

For Petitioner : Mr.A.K.Vijay Kumar

For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has come up with the present writ petition to direct the respondents to consider the petitioner's representation dated 14.06.2018, to permit the petitioner to run a bunk stall within the second respondent hospital premises.

2. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 14.06.2018, to the respondents, claiming the same relief as prayed in this writ petition, but, the said representation is yet to be disposed of by the respondents.

3. The learned counsel for the petitioner also submitted that the issue involved herein came up for consideration in W.P.No.14593 of 2015 and this Court vide order dated 04.07.2018, passed the following order :

" ... 12. However, the persons who are already running the canteen need to be given an opportunity to improve the quality of food and hygiene and other respects. In this regard, the competent authorities shall give notice to all the administrators of the canteen enabling them to improve the quality of service in all respects. If they fail to do so within a stipulated period given by the authorities, then the authorities are at liberty to take steps to evict such canteen owners.

13. In the case on hand where the contract period is lapsed, if the authorities so decide to extend the contract, sufficient conditions in these regard shall be imposed and in the event of complying with such requirements, the contract may be extended. Therefore, it is made clear that the authorities should ensure that hygiene, quality of food and pricing are maintained by these persons who are running canteens in all respects and there cannot be any compromise periodical inspection of these canteens by the administrative staffs of the medical department are certainly required.

14. Taking note of all these observations, the authorities are at liberty to take a decision for extending the contract by considering all these contracts. Accordingly, these writ petitions are disposed of....."

Therefore, the learned counsel prayed for a similar order in this writ petition as well.

4. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents has no serious objection in granting such relief to the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the respondents are directed to consider the petitioner's representation dated 14.06.2018 and pass appropriate orders on merits and in accordance with law and also in the light of the earlier order of this Court dated 04.07.2018 in W.P.No.14593 of 2015, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsk

- 1.The Health Secretary,
Ministry of Health and Family Welfare,
Fort.St. George,
Chennai - 600 009.
- 2.The Dean,
Govt.Stanley Medical College & Hospital,
Chennai - 600 001.

+1cc to the Government Pleader Sr.68148

W.P.No.24194 of 2018

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srg 31/10/2018

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