

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

WRIT APPEAL NO.1495 OF 2019

1. R.Divya
2. V.Kalaivani
3. S.Karthick
4. S.Mohanapriya
5. G.Nandhini
6. E.Ramya
7. M.Ramya
- 8.V.S.Vivekanadhan

... Appellants/Petitioners

Vs

1. The Secretary to Government
Health and Family Welfare Department
Secretariat
Fort St.George
Chennai - 600 009
2. The Director of Medical Education
Kilpauk
Chennai - 600 010
3. The Secretary
Medical Services Recruitment Board
7th Floor, D.M.S. Building
No.359, Anna Salai
Chennai - 600 006
4. The Dean
Madras Medical College
Chennai - 600 003

.. Respondents/Respondents

PRAYER:

Writ Appeal filed under clause 15 of the Letters Patent,
against the Order dated 04.03.2019 in W.P.No.3043 of 2019.

W.P.No.3043 of 2019:-

This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to create post for Cardio Vascular Perfusionist in Government Hospitals based on recommendation by the 4th respondent in REF.NO.13101/P AND D/2018, dated 19-9-2018 by considering the representation dated 06-12-2018.

For Appellants : Mr.R.Jayaprakash

For Respondents: Mr.C.Munusamy
Special Government Pleader (Education)

J U D G M E N T
(Order of the Court was made by K.K.SASIDHARAN,J.)

Heard the learned Counsel for the appellants. Mr.C.Munusamy, learned Special Government Pleader (Education) takes notice on behalf of the respondents. By consent and taking into account the limited scope of this appeal, the intra Court appeal is taken up for final disposal during the time of admission.

2.The appellants submitted representation to the Government for creation of sufficient posts in the Cardio Vascular Perfusionist Department in the Government Hospitals, based on the recommendation of the Dean, Madras Medical College, Chennai. Since there was no follow up action taken by the respondents, the petitioners filed Writ Petition. However, in the prayer, instead of seeking direction to the respondents to consider and dispose of the representation, the appellants prayed for an order for creation of posts based on the recommendation given by the Dean. The learned single Judge rightly dismissed the Writ Petition opining that no direction could be issued to the respondents for creation of posts.

3. When the intra Court appeal is taken up for hearing today, the learned Counsel for the appellants submitted that the appellants would be satisfied, in case, a direction is issued to consider and dispose of the representation dated 06.12.2018 on merits.

4. We have perused the material papers available on record. It is found that the Dean, Madras Medical College, Chennai, by communication dated 19.09.2018 addressed to the Director of Medical Education, Kilpauk, Chennai, requested to sanction atleast 4 Cardio Vascular Perfusionist posts in major Medical College Hospitals like Madurai, Salem, Tirunelveli and Coimbatore and another 4 posts at Chennai. The proposal made on

18.09.2018 appears to have been kept pending with the Government.

5. We grant liberty to the appellants to submit a comprehensive representation to the first respondent. In case any such representation is given on or before 15.06.2019, the first respondent shall obtain the views of the Director of Medical Education in the light of the recommendation given by the Dean, Madras Medical College, Chennai, indicated above, and dispose of the same, on merits as expeditiously as possible and in any case, within a period of four months thereafter.

6. The intra Court Appeal is disposed of with the above direction. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrn/pri

To

1. The Secretary to Government
Health and Family Welfare Department
Secretariat
Fort St.George
Chennai - 600 009
2. The Director of Medical Education
Kilpauk, Chennai - 600 010
3. The Secretary
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4. The Dean
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Chennai - 600 003

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.40339
+1cc to the Government Pleader, S.R.No.41253

Writ Appeal No.1495 of 2019

RSI(CO)
CS/16/05/2019