



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

W.A.[MD]Nos.1213 and 1214 of 2015

and

M.P.[MD]Nos.3 and 3 of 2015

- 1.The Principal Secretary,
Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.
- 2.The Director of Medical and Rural
Health Services,
Chennai - 600 006.
- 3.The Joint Director of Health Services,
Usilampatti Government Hospital,
Usilampatti, Madurai District.
: Appellants / Respondents in both Writ Appeals

Vs.

- 1.M.Jeyabarathy
: Respondent / Petitioner in W.A.(MD)No.1213 of 2015
- 2.T.Kumudha
: Respondent / Petitioner in W.A.(MD)No.1214 of 2015

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent, against the order dated 28.06.2011 passed in W.P(MD)Nos.6800 and 6801 of 2011, respectively.

Common Prayer in WP(MD). 6800/2011 & 6801/2011:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI, to call for the records pertaining to the impugned order in G.O.(D) No.229 and 230, Health and Family Welfare (K2) Department, dated 10-03-2011 on the file of the Respondent No.1 and quash the same as illegal.

For Appellants in
both Writ Appeals

: Mr.V.R.Shanmuganathan
Special Government Pleader



For Respondents in
both Writ Appeals

: Mr.T.Lajapathy Roy

COMMON JUDGMENT

[Judgment of the Court was delivered by
THE HONOURABLE CHIEF JUSTICE]

Heard learned counsel for the appellants and perused the impugned Judgment.

2.The respondents / writ petitioners had come up assailing the order, dated 10th March, 2011, which was a non-speaking order. The learned Single Judge has allowed the writ petitions under the impugned judgment holding that no reasons were set out in the impugned order in order to arrive at the conclusion. It is well settled by now that a decision whether it is administrative, quasi-judicial or judicial, if uninformed by reasons, cannot be sustained. The learned Single Judge, therefore, rightly set aside the order and remitted the matter for a decision afresh. It was futile on the part of the State to have filed these appeals challenging such judgments.

3.Accordingly, Writ Appeals are rejected. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

rj2/pjl

To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St.George, chennai 600 009.

2.The Director of Medical and Rural Health Services,
Chennai - 600 006.

3.The Joint Director of Health Services,
Usilampatti Government Hospital,
Usilampatti, Madurai District.



+1 CC to M/s.SPL.GP (SR-105586[F] dated 18/12/2019)

+2 CC to M/s.T.LAJAPATHIROY, Advocate (SR-105899 & 105900 [F] dated 19/12/2019)

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JUDGMENT MADE IN
W.A.[MD]Nos.1213 and 1214 of 2015
and
M.P.[MD]Nos.3 and 3 of 2015
17.12.2019

JMN(06.01.2020) 3P : 7C