



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.23557 of 2019

P.Gomathi

... Petitioner

/vs./

The Chairman,
Medical Services Recruitment Board,
7th Floor DMS Buildings,
No.359, Anna Salai,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to appoint a post of Pharmacist to the petitioner on light of the respondent's provisional selection list Notification No.06/MRB/2016 dated 05-04-2018 and by considering the petitioner's representation dated 08-10-2018 and remainder dated 23-10-2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Balasubramanian

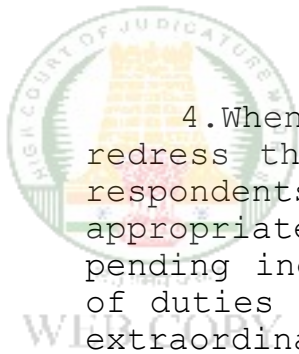
For Respondent : Mr.TS.Mohamed Mohideen
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Though the petitioner has sought for issuance of Writ of Mandamus to the respondent to appoint the petitioner in the post of Pharmacist in light of the respondent's provisional selection list Notification No.06/MRB/2016 dated 05.04.2018, in my view, such a decision is to be taken by the respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3.The petitioner would submit that she has already submitted a representation on 08.10.2018 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.



4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation, dated 08.10.2018, on its own merits and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondent to consider it in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

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+1 CC to M/s.V.BALASUBRAMANIAN, Advocate (SR-6058[F] dated 13/02/2020)

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-5969[F] dated 12/02/2020)

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