

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2315 of 2021

V.Boopathi

...Petitioner

vs.

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

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd Respondent to promote the Petitioner to the post of Non-Medical Supervisor/Block Health Supervisor pursuant to the proceedings of the 2nd Respondent in R.No.3232/MP/IV/S1/2019, dated 14.02.2020 and by considering the Petitioner's representation dated 19.01.2021.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.P.Karthikeyan,
Addl. Government Pleader

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the 2nd Respondent to promote him to the post of Non-Medical Supervisor/Block Health Supervisor pursuant to the proceedings of the 2nd Respondent in R.No.3232/MP/IV/S1/2019, dated 14.02.2020

and by considering his representation, dated 19.01.2021.

2. Today, when the matter was taken up for hearing, learned Additional Government Pleader appearing for the Respondents submitted that, the Petitioner is in Sl.No.74 in the List of Multi-purpose Supervisor (Health Inspector Grade-I) included in the panel for the post of Non-Medical Supervisor/Block Health Supervisor for the panel year 2019-2020 and that, the Respondents will have to decide as to whether the Petitioner is in the zone of consideration. According to him, merely because, the name of the Petitioner is in the seniority list, it does not mean that, he will automatically be considered.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. In view of the limited prayer sought for by the Petitioner, if the Petitioner's representation dated 19.01.2021 is still pending with the Authorities concerned, this Court directs the 2nd Respondent to consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the Petitioner, within a period of two months from the date of receipt of a copy of this order.

5. The Petitioner shall furnish his phone number, Email ID, if any, etc., along with a copy of the representation dated 19.01.2021 and a copy of this order to the Respondents, forthwith. Respondents are directed to communicate the decision taken on the representation, to the Petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that there is no need for the parties to file a Contempt Petition after expiry of the specified period. In case, Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if

they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that, they are not aware of the order of this Court.

With the above direction, the Writ Petition stands disposed of. No costs.

(aeb)

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To:

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director of Public Health and
Preventive Medicine,
Chennai 600 006.

+ 1 cc to Mr. R. Jayaprakash, Advocate Sr.6173

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AK-II(CO)

Eu 22/2/2021

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