

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10928 of 2021

and

W.M.P.Nos.11567 & 11568 of 2021

Dr.S.R.Aravindh Santhosh

...Petitioner

Vs

1.The Director of Public Health
and Preventive Medicines,
DMS Buildings,
Teynampet, Chennai-600006.

2.The Chairman,
Medical Services Recruitment Board
(MRB)
7th Floor, DMS building,
358, Anna Salai,
Teynampet, Chennai-600006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent authorities to act upon the representations of the petitioner dated 12.02.2021, 18.02.2021 and 23.02.2021 and grant EOL (Extraordinary Leave) to enable the petitioner upto 16.06.2021 and enable the petitioner to complete his PG-MS-O&G medical course in Madras Medical College, Chennai and thereafter re-joining the Tamil Nadu Government Medical Service as per the order of appointment dated 06.02.2021 Ref.No.73/E5/A3/2021-1.

For Petitioner : Mr.S.Thanka Sivan

For Respondents: Mr.Karthikai Balan, GA

O R D E R

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

2. Since the petitioner's representations to the respondents to permit him to continue his PG course and grant EOL (Extraordinary Leave) upto 16.06.2021, the present writ petition has been filed. According to the petitioner, he has made representations in this regard on 12.02.2021, 18.02.2021

and 23.02.2021 and he has also submitted a detailed explanation dated 20.04.2021, which are still pending.

3. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, 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. As such, non-consideration of the representations by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's explanation dated 20.04.2021, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's explanation dated 20.04.2021, pursuant to the show cause notice dated 17.04.2021, within a period of three months from the date of receipt of a copy of this order. Till such time, the respondents are directed not to terminate the services of the petitioner or to take any coercive action.

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

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Director of Public Health
and Preventive Medicines,
DMS Buildings,
Teynampet, Chennai-600006.

2.The Chairman,
Medical Services Recruitment Board
(MRB)
7th Floor, DMS building,
358, Anna Salai,
Teynampet, Chennai-600006.

+1cc to Government Pleader SR.No.26762

W.P.No.10928 of 2021

JPL (CO)
GMY (07/07/2021)



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