



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.674 of 2021

M.Singaravel

...Petitioner

Vs

1.The Secretary to the Government of Tamilnadu,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

2.The Director of Public Health and Preventive Medicine,
Teynampet, Chennai-6. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 29.12.2020 and to conduct the counseling for promotion to the post of Non Medical Supervisor (NMS)/Block Health Supervisor (BHS) in Tamil Nadu Public Health Subordinate Service in accordance with guidelines issued by the Government in G.O(2D) No.131, Health and Family Welfare (A1) Department dated 20.11.2007 and to accommodate the petitioner as Non Medical Supervisor (NMS) /Block Health Supervisor (BHS) in Thanjavur Health Unit District as per his seniority.

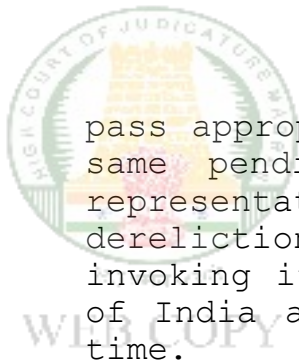
For Petitioner	:	Mr.M.Saravanakumar
For Respondents	:	Mr.S.Dhayalan Government Advocate

O R D E R

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

2.Since the petitioner's request to the respondents to conduct the counselling for promotion to the post of Non Medical Supervisor (NMS)/Block Health Supervisor (BHS) in Tamil Nadu Public Health Subordinate Service in accordance with guidelines issued by the Government in G.O(2D) No.131, Health and Family Welfare (A1) Department dated 20.11.2007 and to accommodate him as Non Medical Supervisor (NMS) /Block Health Supervisor (BHS) in Thanjavur Health Unit District as per his seniority were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 29.12.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is 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 representation 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 second respondent herein to consider the petitioner's representation dated 29.12.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 29.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary to the Government of Tamilnadu,
Health and Family Welfare Department,
Fort St. George, Chennai-9.

2. The Director of Public Health and Preventive Medicine,
Teynampet, Chennai-6.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-1059[F] dated 19/01/2021)
+1 CC to M/s.GP (SR-1415[F] dated 20/01/2021)

Order made in

W.P. (MD) No.674 of 2021

(PU) CO

AP(29/01/2021) 2P 5C

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