



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1379 of 2021

and W.M.P.(MD).No.1178 of 2021

WEB COPY

Dr.P.Preethi

...Petitioner

Vs.

1.The Secretary to the Government
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Medical and Rural Health Services,
DMS Buildings, 359 Annasalai,
Teynampet,
Chennai - 600 006.

3.Member Secretary,
Medical Services Recruitment Board,
7th Floor, 359 Annasalai,
Teynampet, Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to call the petitioner for certificate verification on the basis of marks obtained in the written examination for the post of Assistant Surgeon (General) vide her Application No.701362 under the Schedule Caste quota within the time stipulated by this Court by considering her respondent dated 21.12.2020.

For Petitioner : Mr.M.Shakul Hameed

For Respondents : Mr.P.Kannithevan for R1 & R2
Additional Government Pleader
Mr.T.S.Mohamed Mohideen for R3

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 call the petitioner for certificate verification on the basis of marks obtained in the written examination for the post of Assistant Surgeon (General) vide her Application No.701362 under the Schedule Caste quota, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 21.12.2020, 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 third respondent herein to consider the petitioner's representation dated 21.12.2020, 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 view 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 third respondent to consider the petitioner's representation dated 21.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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
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Fort St. George,
Chennai - 600 009.

2.The Director of Medical and Rural Health Services,
DMS Buildings, 359 Annasalai,
Teynampet,
Chennai - 600 006.

+4 CC to M/s.M.SHAKUL HAMEED, Advocate (SR-2526[F] dated 01/02/2021

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-2491[F] dated
29/01/2021)

W.P. (MD) No.1379 of 2021

29.01.2021

KG (CO)

NR (09/02/2021) 3P : 8C