



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1910 of 2021

and

W.M.P (MD) No.1637 of 2021

WEB COPY

Dr.G.Latha

Assistant Professor of Urology,

Government Medical College and Hospital,

Pudukkottai,

Pudukkottai District.

...Petitioner

Vs.

1.State of Tamil Nadu,

Rep by its Secretary to Government,

Department of Health and Family Welfare,

St.George Fort,

Chennai-9.

2.The Director of Medical Education,

O/o. the Director of Medical Education,

Kilpauk,

Chennai-10.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to conduct promotion counselling for the post of Associate Professor in Department of Urology and Promote the petitioner in the post of Associate Professor in the Department of Urology on the basis of her seniority within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

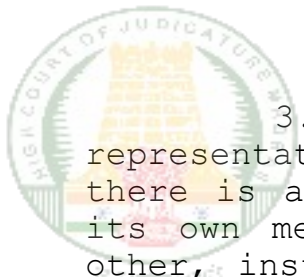
For Respondents: Mr.J.Padmavathi Devi

Special Government Pleader

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 promotion counselling for the post of Associate Professor in Department of Urology and Promote her in the post of Associate Professor in the Department of Urology on the basis of her seniority were not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 20.01.2021, 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 20.01.2021, 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 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 second respondent to consider the petitioner's representation dated 20.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of one week 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 (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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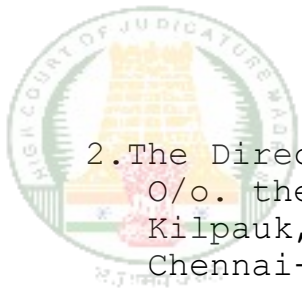
NOTE:

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 Government,
State of Tamil Nadu,
Department of Health and Family Welfare, St. George Fort,
Chennai-9.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Medical Education,
O/o. the Director of Medical Education,
Kilpauk,
Chennai-10.

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+1 CC to SGP (SR-3549[F] dated 05/02/2021)

W.P. (MD) No.1910 of 2021

PK (CO)

NR (05/02/2021) 3P : 4C