



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4814 of 2021

and

W.M.P (MD) No.3933 of 2021

WEB COPY

1.Dr.K.Mohammed Azarudeen
2.Dr.Sadhur Vethi.S
3.Dr.Senthil Kumar.M
4.Dr.D.Nancy Pouline Rilja
5.Dr.B.Priyadharshine
6.Dr.Karishma Selvaraj.S

...Petitioners

Vs.

1.The State of Tamilnadu,
Rep by its Principal Secretary,
Health and Family Welfare Department,
St.George Fort,
Chennai-600 009.

2.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
No.359, Anna Salai, Teynampet,
Chennai.

3.The Medical Services Recruitment Board (MRB),
7th floor, DMS building, 359, Anna Salai,
Teynampet,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent No.2 to issue appointment orders for the post of Assistant Surgeon (General) to the petitioners who have been selected by the third respondent in the recruitment process of Assistant Surgeon (General) called for vide Notification No.07/MRB/2018 dated 25.09.2018.

For Petitioner : Mr.Ajay Shaw
for Mr.T.Lajapathi Roy



For R-1 and R-2 : Mr.P.Kannithevan
Additional Government Pleader

For R-3 : Mr.T.S.Mohamed Mohideen
Standing Counsel

WEB COPY

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 issue appointment orders for the post of Assistant Surgeon (General) to them, who have been selected by the third respondent in the recruitment process of Assistant Surgeon (General) called for vide Notification No.07/MRB/2018 dated 25.09.2018 was not considered, the Writ Petition has been filed. According to the petitioners, they have made the representations in this regard on 08.02.2021, 09.02.2021 and 11.02.2021, which are 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 petitioners' representations dated 08.02.2021, 09.02.2021 and 11.02.2021, 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 petitioners 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 petitioners' representations dated 08.02.2021, 09.02.2021 and 11.02.2021, 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)

cp

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 Principal Secretary,
Health and Family Welfare Department,
The State of Tamil Nadu,
St.George Fort,
Chennai-600 009.
 - 2.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
No.359, Anna Salai, Teynampet,
Chennai.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9651[F] dated 09/03/2021
- +1 CC to M/s.SPL GP (SR-9700[F] dated 09/03/2021)

W.P. (MD) No.4814 of 2021
08.03.2021

=
dks (CO)
KK(30.03.2021) 3P 5C