



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4112 of 2021

and W.M.P. (MD).No.3316 of 2021

WEB COPY

- 1.V.Saravanakumar
- 2.S.Kirubakaran
- 3.T.Balaguru
- 4.M.Ponraj
- 5.C.Anbarasan
- 6.S.Arukumar
- 7.S.Thamaraiselvan
- 8.D.Dilip
- 9.G.Justin Raj
- 10.R.Muthuswamy
- 11.R.Siva Prasad
- 12.D.Pratheep
- 13.G.Nethaji
- 14.C.Hemachandran
- 15.Mr.Jaya Ganesh
- 16.R.Sathish Kumar
- 17.S.Senthilrajan
- 18.S.Balamurugan
- 19.G.Arunkumar
- 20.TL Siva
- 21.V.Kaviyarasan
- 22.M.Manjunathan
- 23.M.Pownraj
- 24.S.Soundarapandian
- 25.K.Vijay
- 26.S.Premnath
- 27.A.Panikar
- 28.D.Arulkumar
- 29.C.Vilwanathan
- 30.R.Sathiyaraj
- 31.N.Arivazhagan
- 32.N.Sivakumar

...Petitioners

Vs.

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.

2.The Director,
The Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Chennai - 600 010.



3.The Director,
The Directorate of Medical & Rural Health Services,
DMS Complex,
2nd Floor, Teynampet,
Chennai - 600 006.

4.The Director,
The Directorate of Public Health and Preventive Medicine,
359, Anna Salai,
Teynampet,
Chennai - 600 006.

5.The Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Building,
359, Anna Salai,
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 to appoint the petitioners to the post of Staff Nurses on regular basis in the newly created 11 Government Medical Colleges and Hospitals or any other regular services based on the marks scored by the petitioners in the written exam conducted by the 5th respondent on 28.06.2015, by following the provision under Section 43 of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, within the time limit stipulated by this Court.

For Petitioner : Mr.Ajmal Khan, Senior Counsel for
Mr.I.Murugesan

For Respondents : Mr.P.Mahendran, for R1 to R4
Additional Government Pleader

Mr.T.S.Mohamed Mohideen for R5
Standing Counsel

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 petitioners' request to the respondents to appoint the petitioners to the post of Staff Nurses on regular basis in the newly created 11 Government Medical Colleges and Hospitals or any other regular services based on the marks scored by the petitioners in the written exam conducted by the 5th respondent on 28.06.2015, by following the provision under Section 43 of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representations in this regard on 26.09.2018 and 22.02.2021, 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 fifth respondent herein to consider the petitioners' representations dated 26.09.2018 and 22.02.2021, 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 fifth respondent to consider the petitioners' representations dated 26.09.2018 and 22.02.2021, 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 (Crl Side)

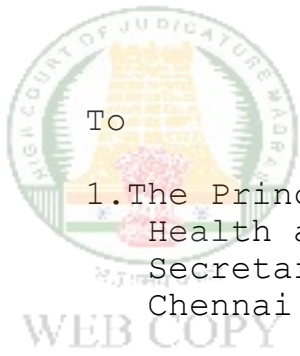
// True Copy //

/ /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 Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.
- 2.The Director,
The Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Chennai - 600 010.
- 3.The Director,
The Directorate of Medical & Rural Health Services,
DMS Complex,
2nd Floor, Teynampet,
Chennai - 600 006.
- 4.The Director,
The Directorate of Public Health and Preventive Medicine,
359, Anna Salai,
Teynampet,
Chennai - 600 006.
- 5.The Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Building,
359, Anna Salai,
Chennai - 600 006.

+2 CC to M/s.I.MURUGESAN, Advocate (SR-7625[F] dated 26/02/2021)

W.P. (MD) No.4112 of 2021
26.02.2021

=

AC (CO)
KK(26.02.2021) 4P 8C