



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5232 of 2021

and

W.M.P (MD) Nos.4185 and 4187 of 2021

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1.N.Rajeswari

Female Nursing Assistant Grade-II,
Mahatma Gandhi Memorial Government Hospital,
Trichy, Trichy District.

2.V.Sathya

Female Nursing Assistant Grade-II,
Mahatma Gandhi Memorial Government Hospital,
Trichy, Trichy District.

3.K.Laskhmi

Mahatma Gandhi Memorial Government Hospital,
Trichy, Trichy District.

Petitioners

...

Vs.

1.The State of Tamil Nadu,

Rep by its Secretary to Government,
Department of Health and Family Welfare,
Secretariat, St.George Fort,
Chennai.

2.The Director,

O/o. Directorate of Medical Education,
156, Poonamallee High Road,
New Boopathi Nagar,
Chetpet, Chennai-600 031.

3.The Director,

O/o.Director of Medical and Rural Health Service,
359, Annasalai, Chokkalingam Nagar,
Teynampet, Chennai-600 036.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to consider the petitioners for promotion to the post of Dialysis

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



Technician Grade-II from the post of Male/Female Nursing Assistant taking into consideration of the petitioners qualification of Diploma in Dialysis Technician and considering the petitioners representation dated 17.02.2021 within the period that may be stipulated by this Court.

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For Petitioner : Mr.C.Venkatesh Kumar
M/s.Ajmal Associates

For Respondents : Mrs.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 petitioners' request to the respondents to consider them for promotion to the post of Dialysis Technician Grade-II from the post of Male/Female Nursing Assistant taking into consideration of their qualification of Diploma in Dialysis Technician was not considered, the Writ Petition has been filed. According to the petitioners, they have made the representations in this regard on 17.02.2021, 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 17.02.2021, 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 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 petitioners' representations dated 17.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 petitions are closed.

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Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.*

CP
To

1.The Secretary to Government,
State of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, St.George Fort,
Chennai.

2.The Director,
O/o. Directorate of Medical Education,
156, Poonamallee High Road,
New Boopathi Nagar,
Chepet, Chennai-600 031.

3.The Director,
O/o.Directorate of Medical and Rural Health Service,
359, Annasalai, Chokkalingam Nagar,
Teynampet, Chennai-600 036.

3 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10248[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10566[F] dated 11/03/2021)

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