



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.5135 of 2021

and

W.M.P (MD) No.4124 of 2021

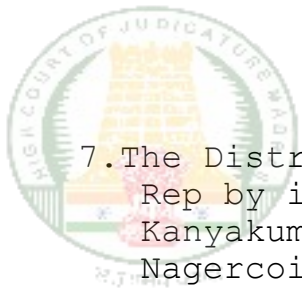
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- 1.Dr.T.Immanuvel, BHMS
- 2.Dr.K.C.Anand, BSMS., MD.Siddha
- 3.Dr.R.Sudharasana, BSMS.,
- 4.Dr.K.Lakshmi Bharathi, BHMS.,
- 5.Dr.T.Karthikeyan, BHMS.,
- 6.Dr.Balasankar, BSMS., MD.Siddha
- 7.Dr.M.Exlin Devi, BSMS.,
- 8.Dr.K.V.Ajay, BSMS

...Petitioners

Vs.

- 1.The Secretary,
Department of Ayush,
Ministry of Health and Family Welfare,
Government of India,
India Red Cross Building,
New Delhi-110 001.
- 2.The State of Tamilnadu,
Rep by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
- 3.The Registrar,
Tamil Nadu Homoeopathy Medical Council,
Aringar Anna Government Hospital Campus,
Arumbakkam, Near Anna Archy,
Chennai-600 106.
- 4.The Registrar,
Tamil Nadu Siddha Medical Council,
Kancheepuram-Chennai Road,
PP Garden, Arumbakkam,
Chennai-600 106.
- 5.The District Health Society,
Rep by its Chair Person/The District Collector,
Thoothukudi District, Thoothukudi.
- 6.The District Health Society,
Rep by its Chair Person/The District Collector,
Tirunelveli District, Tirunelveli.



7.The District Health Society,
Rep by its Chair Person/The District Collector,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 5 to 7 to consider the petitioners' appointment as Medical Officers in the forthcoming Mini Clinics established by the Government of Tamil Nadu based on the petitioner's representation dated 15.02.2021.

For Petitioner : Mr.Ananth C.Rajesh
For R-2, R-5 to R-7 : Mrs.V.P.M.Vaishnavi
Government Advocate

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 their appointment as Medical Officers in the forthcoming Mini Clinics established by the Government of Tamil Nadu was not considered, the Writ Petition has been filed. According to the petitioners, they have made the representations in this regard on 15.02.2021, 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 respondents 5 to 7 herein to consider the petitioners' representations dated 15.02.2021, 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 respondents 5 to 7 to consider the petitioners' representations dated 15.02.2021 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 petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// 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
The State of Tamilnadu,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
- 2.The Chair Person/The District Collector,
District Health Society,
Thoothukudi District, Thoothukudi.
- 3.The Chair Person/The District Collector,
District Health Society,
Tirunelveli District, Tirunelveli.
- 4.The Chair Person/The District Collector,
District Health Society,
Kanyakumari District,
Nagercoil.

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



+1 CC to M/s.ANANTH.C.RAJESH, Advocate (SR-9953[F] dated 10/03/2021)

+1 CC to M/s.SPL GP (SR-10220[F] dated 10/03/2021)

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W.P. (MD) No.5135 of 202110.

03.2021

GS (22.03.2021) 4P 7C