



WEB COPY

W.P.(MD) No.4785 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4785 of 2021

and

W.M.P (MD) No.3910 of 2021

Dr.B.Vijayah
D/o.Baliah,
Chief Civil Surgeon (Time Bound),
Department of Obstetrics Gynaecology,
Government Head Quarters Hospital,
Dindigul-624 001.

...Petitioner

Vs.

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

2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

3.Dr.D.Geetha,
Assistant Professor,
Institute of Obstetrics and Gynaecology,
and Government Hospital for Women and Children,
Egmore, Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pass orders for re-designation and absorption of petitioner as Associate Professor in the newly established Government Medical College and Hospital, Dindigul, on upgradation of Government Head Quarters Hospitals Dindigul as per the "Minimum Qualification for Teachers in Medical Institutions (Amendment) Regulations 2018", based on the representation submitted by the petitioner, with all consequential and other attendant benefits, within a time frame as fixed by this Court.

For Petitioner : Mr.G.Sankaran
For R-1 and R-2 : Mr.S.Dhayalan
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. Since no adverse order is going to be passed against the third respondent, notice to her is dispensed with.

2. Since the petitioner's request to the respondents to re-designate and absorb the petitioner as Associate Professor in the newly established Government Medical College and Hospital, Dindigul, on upgradation of Government Head Quarters Hospitals Dindigul as per the "Minimum Qualification for Teachers in Medical Institutions (Amendment) Regulations 2018", was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 22.12.2020, 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 22.12.2020, 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 respondents to consider the petitioner's representation dated 22.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. In case, the decision to be taken while considering the representation affects the rights of the third respondent herein, the second respondent shall ensure that the third respondent is given due opportunity before taking final call of the petitioner's request.



6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (T&P)

// 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 to Government,
State of Tamilnadu,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

+1 CC to M/s.SPL GP (SR-9690[F] dated 09/03/202

W.P. (MD) No.4785 of 2021

08.03.2021

GS (06.05.2021) 3P 4C