



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.5010 of 2021

WEB COPY

Dr.C.Selin Sofiah

...Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare (B1) Department,
Secretariat,
Chennai - 600 009.

2.The Director of Public Health and Preventive Medicine,
No.64/75, Main Road,
Chokkalingam Nagar,
Theyampet,
Chennai - 600 006.

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

4.The Deputy Director of Health Services,
Tirunelveli,
Tirunelveli District.

5.The Dean,
Tirunelveli Medical College and Hospital,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1 and 2 respondents to consider the petitioner's representation, dated 01-02-2021 made by the petitioner herein to approve the proposal, dated 11-04-2019 by the 4th respondent herein to regularize the leave period from 30-05-2018 to 18-06-2018 as leave on without pay in order to get the monetary benefit on par with order similarly placed P.G.completed service candidates and to pass appropriate orders within stipulated time period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

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2. Since the petitioner's request to the respondents to approve the proposal, dated 11-04-2019 by the 4th respondent herein to regularize the leave period from 30-05-2018 to 18-06-2018 as leave on without pay in order to get the monetary benefit on par with order similarly placed P.G.completed service candidates and to pass appropriate orders, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 01.02.2021, 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 respondents 1 and 2 herein to consider the petitioner's representation dated 01.02.2021, 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 1 and 2 to consider the petitioner's representations dated 01.02.2021, 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.

Sd/-

Assistant Registrar (CS-II)

// 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.

To

- 1.The Secretary to Government,
Health and Family Welfare (B1) Department,
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Chennai - 600 009.
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No.64/75, Main Road,
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Theynapet,
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 - 4.The Deputy Director of Health Services,
Tirunelveli,
Tirunelveli District.
 - 5.The Dean,
Tirunelveli Medical College and Hospital,
Tirunelveli,
Tirunelveli District.
- +1 CC to MR.T.SUNDARAVADANAM, Advocate (SR-9607[F] dated 09/03/2021)

W.P. (MD) No.5010 of 2021
09.03.2021

KM (24.03.2021) 3P 7C