



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. [MD] No. 6460 of 2021

A.Sundaravalli

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.
2. The Director,
O/o. The Director of Public Health and Preventive Medicine,
Annasalai,
Chennai - 6.
3. The Commissioner of Municipal Administration,
O/o. The Commissioner of Municipal Administration,
Santhome High Road,
Raja Annamalaipuram,
Chennai - 28.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to regularize the service of the petitioner in the post of Auxiliary Nurse Midwife (ANM) taking into consideration of the petitioner's long length of service and by considering the petitioner representation dated 13.02.2021 within the period that may be stipulated by this Court.

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

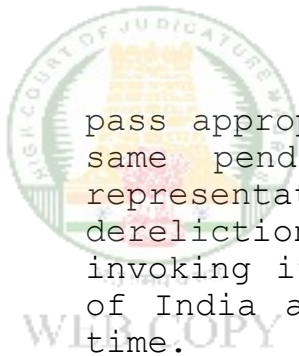
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

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 petitioner's request to the first respondent to regularize the service of the petitioner in the post of Auxiliary Nurse Midwife (ANM) was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 13.02.2021, 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 first respondent herein to consider the petitioner's representation dated 13.02.2021, 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 first respondent to consider the petitioner's representation dated 13.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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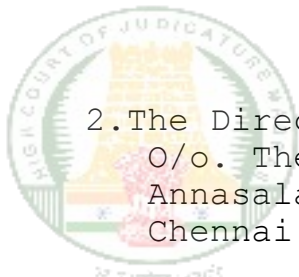
Sub Assistant Registrar(CS)

MR

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 Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.



2.The Director,
O/o. The Director of Public Health and Preventive Medicine,
Annasalai,
Chennai - 6.

3.The Commissioner of Municipal Administration,
O/o. The Commissioner of Municipal Administration,
Santhome High Road,
Raja Annamalaipuram,
Chennai - 28.

+1 CC to M/s.SPL GP(SR-13316[F] dated 24/03/2021

+1CC to M/s.AJMAL ASSOCIATES,Advocate(SR-13214[F]
dated 24/03/2021

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23.03.2021

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