



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1853 of 2019
and W.M.P. (MD).No.1569 of 2019

K.Senthilkumari

...Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai-9.

2.The Director,
Directorate of Medical Services,
Teynampet, Chennai.

3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai-10.

4.The Pharmacy Council of India
Rep. by its Secretary,
NBCC Centre, 3rd Floor,
Plot No.3, Community Centre,
Maa Anandamani Marg,
Okhala Phase-I,
New Delhi-110 002.

5.The Dean,
Madurai Government Medical College,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fifth respondent to recommend the petitioner's name to the third respondent for inclusion in the panel for the post of Assistant Professor based on her qualification prescribed by the fourth respondent in the regulations issued under "Minimum qualification for Teachers in Pharmacy Institutions Regulations, 2014" and based on the petitioner's representations dated 10.01.2019 and 28.01.2019 within the time limit that may be stipulated by this Court.



For Petitioner

: Mr.G.Thalaimutharasau, Advocate

For Respondents 1 to 3 & 5 : Mr.P.Mahendran

Additional Government Pleader

WEB COPY

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 respondents to include the petitioner's name in the panel for the post of Assistant Professor based on her qualification prescribed by the fourth respondent in the regulations issued under "Minimum qualification for Teachers in Pharmacy Institutions Regulations, 2014" was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 28.01.2019, which is still pending.

3. In the counter affidavit dated 06.02.2020, the fifth respondent herein has stated that the preparation of panel for the promotion to the post of Assistant Professor in Pharmacy has not been called for till date by the Director of Medical Education, Chennai. However, the petitioner's representation was forwarded to the Director of Medical Education, Chennai, on 22.02.2019.

4. 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.

5. In the light of the above observations, it would be appropriate to direct the fifth respondent herein to consider the petitioner's representation dated 28.01.2019, 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.

6. Accordingly, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 28.01.2019, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar ()

// 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,
The State of Tamilnadu,
Department of Health and Family Welfare,
Fort St.George, Chennai-9.
- 2.The Director,
Directorate of Medical Services,
Teynampet, Chennai.
- 3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai-10.
- 4.The Dean,
Madurai Government Medical College, Madurai.

+1 CC to M/s.GP (SR-5103[F] dated 15/02/2021)

W.P. (MD) No.1853 of 2019

12.02.2021

PJL

TK/SAR/27.02.2021/3P/6C