



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 24.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.36197 of 2015
and
M.P.Nos.1 & 2 of 2015

Dr.C.Roshy Joseph

...Petitioner

Vs

1. The Secretary to Government,
Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Indian
Medicine and Homeopathy,
Arignar Anna Government Hospital,
of Indian Medicine Campus,
Arumbakkam, Chennai - 600 106.
3. The Principal,
Government Ayurveda Medical
College, Kottar,
Nagercoil - 629 002
Kanyakumari District.

4. Dr.Jayakrishnan G.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 3rd respondents to promote/upgrade the petitioner for the post of Reader and HOD in the Department of Rasashastra and Bhaishajya Kalpana in the 3rd respondent College as in-service candidate.

For Petitioner : Mr.S.Gunaseelan

For R1 to R3 : Mr.E.Veda Bagath Singh,
Special Government Pleader

For R4 : No Appearance



ORDER

The petitioner herein had given a representation to the first respondent on 21.09.2015 seeking promotion/upgradation to the post of Reader/Associate Professor in the third respondent College.. Since the said representation was not considered, the present writ petition has been filed.

2. 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.

3. In the light of the above observations, it would be appropriate to direct the first respondent to consider the petitioner's representation dated 21.09.2015 within a stipulated time and thereby, the ends of justice could be secured.

4. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation 21.09.2015 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. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

hvk



To

1. The Secretary to Government,
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Fort St. George,
Chennai - 600 009.

2. The Commissioner of Indian
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of Indian Medicine Campus,
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3. The Principal,
Government Ayurveda Medical
College, Kottar,
Nagercoil - 629 002
Kanyakumari District.

+lcc to Mr.S.Gunaseelan, Advocate, S.R.No.4057

+lcc to the Government Pleader, S.R.No.4745

W.P.No.36197 of 2015

PL[co]
NSK 07/02/2022