



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2022

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD)No.12012 of 2022

R.Kalamohan

... Petitioner

/vs./

1.The Principal Secretary to Government of Tamil Nadu,
Department of Health & Family Welfare,
Secretariat,
Chennai.

2.Director of Health and Rural Health Service,
361, Anna Salai, Teynampet,
Chennai.

3.The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar,
Park Town,
Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to draw the seniority list based on merit in the selection process conducted by the third respondent for the year 2009-2011 at once by considering the petitioner's representation, dated 26.10.2021.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R-1 & R-2	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R-3	: Mr.V.Pannerselvam Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the first respondent on 26.10.2021 seeking to draw the seniority list based on merit in the selection process conducted by the third respondent for the year 2009-2011. Since the said representation was not considered, the present writ petition has been filed.

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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 26.10.2021 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr/vji

To

1.The Principal Secretary to Government of Tamil Nadu,
Department of Health & Family Welfare,
Secretariat, Chennai.

2. Director of Health and Rural Health Service,
361, Anna Salai, Teynampet, Chennai.

3. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C. Nagar,
Park Town, Chennai-600 003.

+1 CC to M/s.V. PANNEER SELVAM, Advocate (SR-26357[F] dated 17/06/2022)

+1 CC to M/s.SPL.GP. (SR-26416[F] dated 17/06/2022)

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