



W.P.(MD) No.301 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.301 of 2019

C.Ananth

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 001.

2.The Director of Medical Educaiton,
Kilpauk Medical College Campus,
Kilpauk, Chennai 600 010.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents herein to promote the petitioner to the post of Professor of Pathology and place him in the Pay Band IV in terms of GO.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016 with retrospective effect from the year 2014 when petitioner became eligible for promotion to the post of Professor of Pathology in the available vacancy at the Kanyakumari Medical College, Asaripallam or any other vacancies.

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For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. Though the petitioner has sought for issuance of writ of Mandamus, directing the respondents herein to promote the petitioner to the post of Professor of Pathology and place him in the Pay Band IV in terms of GO.Ms.No.66, Health and Family Welfare (A-1) Department, dated 19.02.2016 with retrospective effect from the year 2014 when petitioner became eligible for promotion to the post of Professor of Pathology in the available vacancy at the Kanyakumari Medical College, Asaripallam or any other vacancies, in my view, such a decision is to be taken by the second respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.



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3. The petitioner would submit that he has already made representation on 12.12.2017 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 12.12.2017 on its own merits and pass appropriate orders in accordance with law, within a period of **six (6) weeks** from the date of receipt of a copy of this



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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.

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

26.07.2022

Index : Yes / No
Speaking Order/ Non Speaking Order
Rmk

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai 600 001.
- 2.The Director of Medical Educaiton,
Kilpauk Medical College Campus,
Kilpauk, Chennai 600 010.



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M.S.RAMESH,J.

Rmk

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