



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2022

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.12552 of 2022

R.Boominathan

...Petitioner

Vs

1.The Joint Director of Health Services,
Government Head Quarters Hospital,
Ramanathapuram.

2.The Medical Officer,
Government Hospital,
Rameshwaram,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner entire service seniority and to give further promotion to the next cadre of Office Assistant as per the Government Order in G.O.(3D) No.86, Education (R1) Department dated 21.06.2011, on the basis of the petitioner's representation dated 06.09.2021.

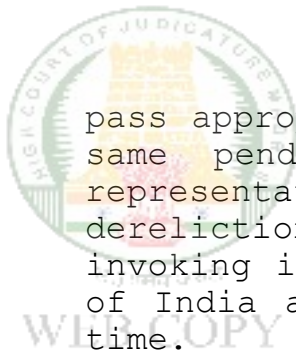
For Petitioner : Mr.A.Rajaram
For Respondents : Mr.G.Suriyananth,
Additional Government Pleader.

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 06.09.2021 seeking for further promotion to the next cadre of Office Assistant as per the Government Order in G.O. (3D) No.86, Education (R1) Department dated 21.06.2011 by considering the petitioner's entire service seniority. 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 first respondent herein to consider the petitioner's representation dated 06.09.2021 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 (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Nsr/Lm

To

1.The Joint Director of Health Services,
Government Head Quarters Hospital,
Ramanathapuram.

2.The Medical Officer,
Government Hospital,
Rameshwaram,
Ramanathapuram District.

+1 CC to M/s.A. RAJARAM, Advocate (SR-27043[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27725[F] dated 23/06/2022)

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SB (CO)

GC (04.07.2022) 2P 5C

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