



W.A.(MD)No.684 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.684 of 2022

K.Arun Prasad

... Appellant

Vs.

1.The Secretary to Government,
Health and Family Welfare(AA1) Department,
Secretariat,
Chennai – 600009.

2.The Director of Medical Education,
Kilpauk,
Chennai – 600010.

3.The Dean,
Madurai Medical College,
Madurai – 625020.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, against the order passed in W.P(MD)No.24704 of 2019, dated 16.02.2022.

For Appellant :Mr.C.Balasubramaniam

For Respondents :Mr.S.Saji Bino,
Special Government Pleader



W.A.(MD)No.684 of 2022

JUDGMENT

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(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard Mr.C.Balasubramaniam, learned counsel for the appellant and Mr.S.Saji Bino, learned Special Government Pleader, who takes notice for the respondents.

2. By consent of parties, the writ appeal is disposed of at the admission stage itself.

3. This writ appeal is directed against the order of the learned Single Judge, dated 16.02.2022, in W.P(MD)No.24704 of 2019, filed by the writ petitioner to direct the first respondent to pass appropriate orders on the writ petitioner's representation, dated 11.08.2019, regarding inclusion of his name in the approved list of Tutor in Pharmacy for the year 2003-2004 on par with similarly placed promotees.

4. However, the writ petition was dismissed on the ground that the writ petitioner who seeks revision of seniority after lapse of several years, is not entitled to any relief. Though the delay and laches is a ground to negate any



W.A.(MD)No.684 of 2022

relief, it is subject to certain criteria. Unless serious prejudice is likely to be caused to anyone, the delay cannot be a ground to dismiss a case.

5. In the instant case, the prayer in the writ petition is to consider the representation of the petitioner, dated 11.08.2019. It is open to the authority to decide the representation on merits. When the prayer in the writ petition is to consider the representation, this Court may not look into the subject on merits seriously, so as to deny the relief to the writ petitioner. It is open to the respondent to consider the delay also. In that view of the matter, this Court is inclined to allow the writ appeal.

6. Accordingly, the writ appeal is allowed and the order of the learned single Judge, dated 16.02.2022, is set aside. Consequently, the writ petition is allowed. The first respondent is directed to consider and pass appropriate orders on the petitioner's representation, dated 11.08.2019, uninfluenced by any of the observations made by the learned single Judge, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs.

[S.S.R., J.] [S.S.Y., J.]
11.07.2022



W.A.(MD)No.684 of 2022

Index : Yes / No
pm

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W.A.(MD)No.684 of 2022

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W.A(MD)No.684 of 2022

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