



W.P.(MD).No.17694 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.17694 of 2021

M.Vijaya

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2.The Chairman,
Medical Services Recruitment Board,
7th Floor,
DMS Building,
359, Anna Salai,
Chennai – 600 006.

3.The Director,
Medical and Rural Health Services,
Chennai – 600 006.

4.The Joint Director,
Medical and Rural Health Services,
Tirunelveli (Camp),
Tenkasi – 627 811.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to include the petitioner's name in the 2020 allotment merit list of second



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respondent consequently issue appointment and posting order to the petitioner in any one of vacancies in the State by virtue of G.O.(D).No.460 Health and Family Welfare (AA1) Department dated 28.04.2020.

For Petitioner : Mr.Aayiram K.Selvakumar
For R-1, R-3 and R-4 : Mr.M.Siddharthan,
Additional Government Pleader.
For R-2 : Mr.T.S.Mohamed Mohideen,
Standing Counsel.

ORDER

The petitioner herein had given a representation to the third respondent on 24.06.2021 seeking for appointment to the post of Staff Nurse. 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.



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3. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 24.06.2021, in the light of G.O.(D).No.460 Health and Family Welfare (AA1) Department dated 28.04.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

4. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

04.08.2022

Index : Yes / No
Internet : Yes/ No
Lm



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M.S.RAMESH, J.

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