



WP(MD)No.18784 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.08.2022**

CORAM:

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

W.P.(MD)No.18784 of 2022

M.Vincent

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Secretariat,
Chennai-600 009.

2.Tamil Nadu Public Service Commission,
Represented by its Chairman,
TNPSC Road, Broadway,
Chennai-600 003.

3.The Director of Medical Education,
Kilpauk, Chennai.

4.The Dean,
Thoothukudi Government Medical College,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to declare the



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probation for the period immediately and consequently direct the respondents to pay the increments including higher start of pay, within the time frame fixed by this Court, and pass such further or other orders as this Court.

For Petitioner : Mr.J.Padhmaavathi Devi
For R-1 & R-3 : Mr.G.Suriyananth
Additional Government Pleader
For R-2 : Mr.Ananthakumar

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 22.11.2021 seeking to declare the probation for the period immediately and to pay the increments including higher start of pay. 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



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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 respondents herein to consider the petitioner's representation dated 22.11.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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. There shall be no order as to costs.

18.08.2022



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Index : Yes / No

Internet : Yes / No

btr/lm

To

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Chennai-600 009.
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M.S.RAMESH, J.

btr/lm

Order made in
W.P.(MD)No.18784 of 2022

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