



WP(MD)No.20772 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.09.2022**

CORAM:

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

W.P.(MD)No.20772 of 2022

- 1.S.Karuppasamy
- 2.N.Magdalene
- 3.A.Jancykala
- 4.A.Suyambukumar
- 5.S.Kanagalakshmi

... Petitioners

/vs./

- 1.The Government of Tamil Nadu,
Rep.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, to direct the respondents 1 to 4 to declare the



WP(MD)No.20772 of 2022

probation for the period immediately and consequently direct the respondents to pay the increments including higher start of pay, within the time frame fixe by this Court.

For Petitioners : Mrs.J.Padhmaavathi Devi
For RR1, 3 & 4 : Mr.M.Siddharthan
Additional Government Pleader
For R2 : Mr.J.Anand Kumar
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.The petitioners herein had given a representation to the respondents on 22.11.2021 seeking for declaring probation period immediately and consequently payment of 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



WP(MD)No.20772 of 2022

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 third and fourth respondents herein to consider the petitioners' 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 petitioners 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.

Index : Yes / No
Internet : Yes / No
Rmk/sm

01.09.2022
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WP(MD)No.20772 of 2022

M.S.RAMESH, J.

Rmk/ Sm

TO:

- 1.The Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai.
- 3.The Dean,
Thoothukudi Government Medical College,
Thoothukudi.

Order made in
W.P.(MD)No.20772 of 2022
(2/2)

Dated:
01.09.2022