



W.P.No.4882 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4882 of 2023

T.Pani Malar

...Petitioner

Vs

1.The Director,
Medical and Rural Health Services,
D.M.S. Campus,
Teynampet, Chennai – 600 006.

2.The Director,
Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai – 10.

...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's representation dated 25.11.2022 and to transfer the petitioner from Government Hospital, Sathiyamangalam, Erode District to the Government Medical College Hospital at Acharipallam, Kanniyakumari or Kuzhithurai Government Hospital or Pathmanathapuram Government General Hospital or any one Government Hospital or any one Urban Primary Health Centres at Kanyakumari District which is nearest to her native place.



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For Petitioner : Mr.R.K.Gandhi

For Respondents : M/s.E.Indumathi
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 25.11.2022, seeking transfer to any Government Hospital or any Urban Primary Health Centres at Kanyakumari District. 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



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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 concerned to consider the petitioner's representation dated 25.11.2022 on its own merits and pass appropriate orders in accordance with law, within a period of two 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order
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M.S.RAMESH,J.

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