



W.P.No.6477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6477 of 2023

N.Muthulakshmi

...Petitioner

Vs

1.The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai – 600 009.

2.The Director of Medical & Rural
Health Services,
DMS Compound, Teynampet,
Chennai – 600 016.

3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

4.The Deputy Director,
Deputy Director of Nursing Service,
DMS Complex,
Teynampet, Chennai – 600 016.

...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 claim of the petitioner to continue to work in Government Head



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Quarters Hospital, Tenkasi as staff nurse in the light of the representation made by the petitioner dated 10.02.2023 within a reasonable time frame.

For Petitioner : Mr.R.Suryakumaran
For Respondents : Mr.R.U.Dinesh Raj kumar
Additional Government Pleader

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 10.02.2023 seeking for a direction to permit the petitioner to continue in Government Head Quarters Hospital, Tenkasi as staff nurse in the arising vacancy. 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 second respondent herein to consider the petitioner's representation dated 10.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 ordered. No costs.

02.03.2023

Index:Yes/No

Speaking order/Non-speaking order

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Note: Issue order copy on 10.03.2023



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To
WEB COPY

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M.S.RAMESH,J.

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