



WEB COPY



W.P.No.13582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13582 of 2023

Mrs.Jacinda Devadhasan

... Petitioner

Vs.

1.The Secretary,
Minister of Health and Welfare,
Head Office,
Chennai – 600 009.

2.The Director,
Medical and Rural Health Service,
D.MS. Campus,
Teynampet,
Chennai – 600 006.

3.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 praying to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representations dated 10.01.2023 & 05.04.2023 seeking transfer from Tiruvarur Government Medical College



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Hospital, Tiruvarur to Kanyakumari Government Medical College
Hospital or Government Head Hospital Padmanabapuram.

For Petitioner : Mr.S. Sathishkumar

For Respondents : Mr.S. Prabhakaran,
Government Advocate

ORDER

The petitioner herein has given representations to the first respondent on 10.01.2023 and 05.04.2023, seeking transfer from Tiruvarur Government Medical College Hospital, Tiruvarur to Kanyakumari Government Medical College Hospital or Government Head Hospital Padmanabapuram. Since the said representations were 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



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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.

3. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the petitioner's representations dated 10.01.2023 and 05.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

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