



W.P.No.39365 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

**THE HONOURABLE Dr. JUSTICE D. NAGARJUN**

Writ Petition.No.39365 of 2016  
and W.M.P.No.33685 of 2016

K.P.Jeyalakshmi

... Petitioner

Vs.

1. The Directorate,  
Director of Medical and Rural Health Services,  
Chennai-600 006.

2. The Deputy Director,  
Deputy Director of Health Services,  
Tiruvallur-602 001.

3. The Medical Officer,  
Primary Health Centre,  
Ammayarkuppam,  
Tiruvallur District.

...Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, seeking to Writ of Mandamus to direct the respondents to permit the petitioner to join duty as Staff Nurse in the third respondent Primary Health Centre.

For Petitioner : M/s. M.P.Periyavelayutham

For Respondents : Mr.R.V.Dineshraj Kumar



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## ORDER

This Writ Petition is filed seeking for direction to the respondents to dispose of the representation of the petitioner dated 05.07.2018.

2. It is submitted by the learned counsel for the petitioner that the petitioner completed her Diploma in General Nursing Midwifery in January 2005 and registered her name before the Nursing Council for appointment. The petitioner was appointed as Staff Nurse on 24.12.2007 on contract basis and posted in Primary Health Centre, R.K.Pet on 24.01.2008. Subsequently, on 27.07.2012 petitioner under went for maternity leave and joined the duty on 23.01.2013 and as her health was severely affected, she went on medical leave on 26.01.2013.

3. Petitioner has submitted an application along with medical certificate issued by the Dr.P.Yogendran, competent Assistant Civil Surgeon, Government General Hospital, Tiruvallur, stating that the period of absence from duty for a period of six months with effect from 27.01.2013 is absolutely necessary for restoring petitioner's health. On 27.08.2013, petitioner was not permitted to join the duty. The petitioner has made



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representation to the respondent on 22.02.2014, 23.10.2014 and 05.05.2016, requesting to permit her to join duty. However, the same was not considered, thereby the present Writ Petition is filed by the petitioner.

4. Learned Additional Government Pleader appearing for respondents has submitted, basing on status reporte dated 24.11.2023 that as per interim orders of this Court dated 12.07.2022 in W.P.NO.39365 of 2016, the representation of the petitioner were replied vide letter reference No.714/N1/2/2019, dated 22.11.2023 and the copy of the letter is also enclosed. According to said reply, as per G.O.Ms.No.350, Health and Family Welfare (C1) Department dated 21.10.2009, a person who was working on contract basis, will not be taken back into service, if the said employee is unauthorizedly absent.

5. Learned counsel for the petitioner has submitted that the G.O.Ms.No.350, Health and Family Welfare (C1) Department dated 21.10.2009 also speaks that if a person produces proper medical certificate, the absence can be condoned and one can be permitted to join the duty.

6. Learned Additional Government Pleader for respondents has



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submitted that the petitioner has never tried to report back to the petitioner.

Be that as it may, the respondent should have replied the representations of the petitioner dated 22.02.2014, 23.10.2014 and 05.05.2016 prior to filing of Writ Petition, if at all, the petitioner is aggrieved, by the reply she could have approached appropriate forum. Since the purpose of the instant Writ Petition has already been resolved, on replying the representations of the petitioner, nothing survives further in this Writ Petition to adjudicate.

7. In the result, this Writ Petition is disposed of, granting liberty to the petitioner to approach the appropriate forum, if, she is aggrieved by the proceedings of the respondent to the representations of the petitioner dated 22.02.2014, 23.10.2014 and 05.05.2016. No costs. Consequently, connected miscellaneous petition is closed. No costs.

27.11.2023

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Index: Yes/No

Speaking Order: Yes/No



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To

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**Dr.D. NAGARJUN, J.**

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