



W.P.No.17158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17158 of 2023

B.Balasathish

... Petitioner

Vs

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
St. Fort George,
Chennai.

2.The Mission Director,
National Health Mission – Tamilnadu,
Anna Salai,
Teynampet,
Chennai – 600 006.

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

4.The Director of Medical and
Rural Health Service,
Anna Salai,
Teynampet,
Chennai – 600 006.



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5.The Director of Public Health and Preventive Medicine,
Anna Salai,
Teynampet,
Chennai – 600 006.

6.The Dean/Principal,
Tirupur Government Medical College and Hospital,
Tirupur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 and 6 to consider the petitioner representation dated 21.03.2023 consequently direct them to reappoint the petitioner as Research Assistant in RT – PCR (LAB) in 6th respondent College within a time frame fixed by this Court.

For Petitioner : Ms.A.M.Amutha Ganesh

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader
for R1 to 5

ORDER

Heard Ms.A.M.Amutha Ganesh, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for respondents 1 to 5.



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2.The petitioner herein had given a representation to the respondents on 21.03.2023 for reappointing him as a Research Assistant in RT – PCR (LAB). 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 him 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 Court will be justified in invoking its extraordinary powers under Article 226 of the 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 herein to consider the petitioner's representation dated 21.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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5.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.

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

No costs.

09.06.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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