



W.P.No.18722 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18722 of 2023

1.R. Vanitha

2.D. Malathy

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

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

3.The Director of Medical and Rural Health Services,
DMS Compound, Anna Salai,
Teynampet, Chennai – 600 006.

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

... Respondents



W.P.No.18722 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass orders to fill up the post of Lab Technician Grade-II in respect of vacancies from the year 2021 remain unfilled through recruitment by transfer from the post of Lab Technician Grade-III and consequently directing the respondents to consider the petitioners for promotion to the post of Lab Technician Grade-II as per G.O.Ms.No.358 Health and Family Welfare Department dated 14.09.2020 and in consideration of representation submitted by the petitioners dated 13.04.2023, within a time frame to be fixed by this Court.

For Petitioner : Mr.S. Nedunchezhiyan

For Respondents : Mr.P. Sanjay Gandhi,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioners herein have given representations to the first respondent on 13.04.2023 and 11.04.2023 respectively, seeking to fill up the post of Lab Technician Grade-II in respect of vacancies from the year



W.P.No.18722 of 2023

2021 remain unfilled through recruitment by transfer from the post of Lab Technician Grade-III and for promotion to the post of Lab Technician Grade-II as per G.O.Ms.No.358 Health and Family Welfare Department dated 14.09.2020. Since the said representations were 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 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 first respondent herein, to consider the petitioners' representations



W.P.No.18722 of 2023

WEB COPY

dated 13.04.2023 and 11.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

23.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni



W.P.No.18722 of 2023

WEB COPY

To

- 1.The Principal Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Medical Education,
Kilpauk,
Chennai – 600 010.
- 3.The Director of Medical and Rural Health Services,
DMS Compound, Anna Salai,
Teynampet, Chennai – 600 006.
- 4.The Director of Public Health and
Preventive Medicine,
DMS Compound, Anna Salai,
Teynampet, Chennai – 600 006.



WEB COPY



W.P.No.18722 of 2023

M.S.RAMESH,J.

Sni

W.P.No.18722 of 2023

23.06.2023