



W.P.No.18817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18817 of 2023

C. Jose

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by The Secretary to Health & Family Welfare,
Chief Secretariat,
Namakkal Kavingar Maaligai,
4th Floor, Fort St. George,
Chennai – 600 009.

2.The Director of Medical & Rural Health Service,
No.359, Annasalai, DMS Complex,
Teynampet,
Chennai – 600 006.

3.The Director of Medical Education,
No.156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet,
Chennai – 600 031.

...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 representation dated 14.03.2023 submitted by the petitioner for a



W.P.No.18817 of 2023

Transfer to any one of the medical institutions in Kanniyakumari District under the control of the respondents.

For Petitioner : Mr.Prakash Adiapadam

For Respondents : Mr.S. Prabhakaran,
Government Advocate

ORDER

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

2. The petitioner herein had given a representation to the first respondent on 14.03.2023, requesting for transfer to any one of the Medical Institutions in Kanniyakumari District on compassionate ground. 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 them to consider the same on its own merits and pass appropriate orders in one



W.P.No.18817 of 2023

WEB COPY

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 the India and direct them to consider the same within a stipulated time.

4. However, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation along with a copy of this order, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievance, along with a copy of his representation dated 14.03.2023, as well as the copy of this order. On receipt of the same, the respondents shall consider it 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 the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by



W.P.No.18817 of 2023

the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

26.06.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

Note: Issue order copy on 27.06.2023



W.P.No.18817 of 2023

WEB COPY

To

- 1.The Government of Tamil Nadu,
Rep. by The Secretary to Health & Family Welfare,
Chief Secretariat,
Namakkal Kavingar Maaligai,
4th Floor, Fort St. George,
Chennai – 600 009.
- 2.The Director of Medical & Rural Health Service,
No.359, Annasalai, DMS Complex,
Teynampet,
Chennai – 600 006.
- 3.The Director of Medical Education,
No.156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet,
Chennai – 600 031.



WEB COPY



W.P.No.18817 of 2023

M.S.RAMESH,J.

hvk

W.P.No.18817 of 2023

26.06.2023