



WEB COPY



W.P.No.31250 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31250 of 2023

D. Chinnadurai

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.

2.The Director,
Public Health and Prevention of Communicable Diseases,
DMS Campus,
Anna Salai, Chennai – 600 006.

3.The Deputy Director,
Health Department,
Sathuvachari, Vellore – 9.

4.The Medical Officer,
Government Primary Health Centre,
Anaicut, Vellore Taluk,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service on permanent in primary health centre at



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Poigai, Vellore District based on the petitioner presentation dated 25.01.2023.

For Petitioner : Mr.T. Saravanan

For Respondents : Mr.V. Manoharan,
Additional Government Pleader

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 has given a representation to the respondents on 25.01.2023, seeking for regularization of his service in Primary Health Centre Poigai, Vellore District. Since the said representation has not been considered till date, 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 way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would



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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 respondents herein, to consider the petitioner's representation dated 25.01.2023, on their own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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.

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

No costs.

02.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.The Secretary to Government,
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