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W.P.No.32362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32362 of 2023

N.Santhosh Kumar

...Petitioner

Vs

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

2. The Director
Public Health and Preventive Medicine
Directorate of Public Health and Preventive Medicine
359, DMS Campus, Anna Salai
Chennai – 600 006

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representations dated 12.08.2021 and 19.10.2021.

For Petitioner : Mr.G.Arumugaraja

For Respondents : Mr.VPR.Elamparathi
Additional Government Pleader



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ORDER

Heard Mr.G.Arumugaraja, learned counsel for the petitioner and Mr.VPR.Elamparathi, learned Additional Government Pleader appearing for the Respondents.

2. The petitioner herein had given representations to the respondents on 12.08.2021 and 19.10.2021 to appoint eligible candidates for the post of System Analyst as per seniority wise and qualification mentioned in G.O.Ms.No.339 Finance (Pay Cell) Department dt.26.08.2010 and G.O.Ms.No.685 dated 20.07.2012. Since the said representation was not considered, the petitioner is before this Court.

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 amount to dereliction of duty and hence, this Court will be justified in



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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. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 12.08.2021 and 19.10.2021, on its own merits and pass appropriate orders in accordance with law within a period of six 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 made by 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.

10.11.2023

Index:Yes/No

Speaking order/Non-speaking order

gpa

Note to office: Issue order copy on 21.11.2023



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To
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M.S.RAMESH,J.

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