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W.P.No.32897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32897 of 2023
and
W.M.P.No.32532 of 2023

V.Abinesh

...Petitioner

Vs.

1.Medical Service Recruitment Board (MRB),
Rep. by its Chairman,
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai – 600 006.

2.Board of Examination,
Rep. by Deputy Chairman,
O/o.Director of Public Health and
Preventive Medicine,
Chennai – 600 006.

3.The Chairperson,
The District Health Society/District Collector,
Tiruvallur 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 his service in the post of Health Worker (Male), Health



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Inspector Grade-II from Kannambakkam Health Sub-Center-Health and Wellness Centre (HSC) under the control of Block Primary Health Centre, Equvarpalayam, Gummidipoondi Block, Thiruvallur District and to fix the scale of pay with all attendant benefits.

For Petitioner : Mr.G.Ethirajulu

For R1 : Mr.L.Murugavelu,
Standing Counsel

For R2 & R3 : Mr.P.Ganesan,
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 prayer sought for in this Writ Petition is for a direction to the respondents to regularize the petitioner's services and to fix the scale of pay with all attendant benefits. In this regard, the petitioner had given a representation to the respondents on 09.10.2023. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.



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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 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 1st respondent herein to consider the petitioner's representation dated 09.10.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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.



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M.S.RAMESH,J.

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

No costs. Consequently, connected miscellaneous petition is closed.

22.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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To

- 1.The Chairman,
Medical Service Recruitment Board (MRB),
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai – 600 006.
- 2.The Deputy Chairman,
Board of Examination,
O/o.Director of Public Health and
Preventive Medicine,
Chennai – 600 006.
- 3.The Chairperson,
The District Health Society/District Collector,
Tiruvallur District.

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