



W.P.No.33521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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M.Iyyammal

...Petitioner

Vs

1. The Secretary to Government
Health & Family Welfare Department
Fort St.George
Chennai – 600 009

2. The Director of Medical and Rural Health Services
DMS Compound
Teynampet, Chennai – 600 016

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

4. The Deputy Director
Deputy Director of Nursing Service
DMS Complex
Teynampet, Chennai – 600 016

...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 claim of the petitioner to transfer to Government Head Quarters



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Hospital, Thenkasi or any other nearby Government Hospital as staff nurse in the light of the representation made by the petitioner dated 04.11.2023 within a reasonable time frame.

For Petitioner : Mr.R.Suryakumaran

For Respondents : Mrs.V.Yamuna Devi
Special 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. Heard Mr.R.Suryakumaran, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Additional Government Pleader appearing for the respondents.

3. The petitioner herein had given representation to the fourth respondent on 04.11.2023 to transfer the petitioner to Government Head Quarters Hospital, Thenkasi or any other nearby Government Hospital as staff nurse. Since the said representation was not considered, the present



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writ petition has been filed.

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

5. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 04.11.2023, on its own merits and pass appropriate orders in accordance with law within a period of four 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.



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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

gpa

Note: issue order copy on 07.12.2023

To

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M.S.RAMESH,J.

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