



W.P.No.35629 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35629 of 2023

Lavanya

... Petitioner

Vs.

1.The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai – 09.

2.The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet,
Chennai - 600 006.

3.The Director,
Director of Medical Education,
Poonnamallee High Road, Kilpauk,
Chennai – 10.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 03.08.2023



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seeking transfer from Villupuram Government Medical College Hospital, Villupuram to Government Medical College Hospital, Dindigul, Dindigul District where the petitioner presently working as Staff Nurse on diversion duty.

For Petitioner : Ms.Dakshayani Reddy,
Senior Counsel
for Ms.P. Anuradha

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. The petitioner herein has given a representation to the respondents on 03.08.2023, seeking for transfer from Villupuram Government Medical College Hospital to Government Medical College Hospital, Dindigul. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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 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 03.08.2023, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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To

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M.S.RAMESH,J.

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