



W.P.(MD).No.17181 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17181 of 2023

R.Helden Selvakumar

... Petitioner

Vs.

1.The Secretary,
Health, Medical Education, Family
Welfare Department,
Secretariat, Fort St.George,
Chennai-9.

2.The Director,
Directorate of Medical and Health Services,
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet, Chennai-6.

3.The Secretary,
Medical Services Recruitment Board (MRB),
7th Floor, DMS Buildings,
359, Anna Salai,
Teynampet, Chennai-6.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix the minimum marks for differently abled persons against the selection of



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Assistant Surgeon (General) as per the Notification Number 11/MRB/2022 dated 11.10.2022 by considering his representation dated 07.07.2023.

For Petitioner : Mr.K.P.Narayanakumar

For R1 & R2 : Mr.D.S.Nedunchezian
Government Advocate

For R3 : Mr.T.S.Mohammed Mohideen

ORDER

The present writ petition has been filed seeking direction to the respondents to fix the minimum marks for differently abled persons against the selection of Assistant Surgeon (General) as per the Notification Number 11/MRB/2022 dated 11.10.2022 by considering his representation dated 07.07.2023.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admissions itself.

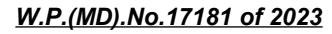
3. The petitioner is a physically challenged person having 50% permanent disability in both his legs. He is a qualified MBBS Doctor and he registered himself under Tamil Nadu Medical Council vide Registration No.



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175469. He is presently practicing modern medicine. The 3rd respondent board vide notification, dated 11.10.2022 called for the applications to fill up the existing vacancies for Assistant Surgeon. The differently abled persons with disability of 40% to 80% were also permitted to participate in the examination. The age criteria has been concessioned for differently abled candidates to the maximum of 47 years as on 01.07.2022 in the said notification. Though differently abled persons are exempted from writing Tamil language tests, the minimum qualifying marks for differently abled candidates have been fixed as 35 like other general candidates. Hence, the petitioner made a representation on 07.07.2023 to the respondents requesting to reduce the minimum marks for differently abled persons. However, the said representation was not considered. Hence, this writ petition came to be 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 the respondent 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 made by the Statutory Authority would



5. It is made clear that without going into the merits of this case, considering the limited time, this Court is inclined to direct the respondents to consider the representation of the petitioner, dated 07.07.2023 within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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L.VICTORIA GOWRI, J.



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