



W.P(MD)No.18614 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.18614 of 2023

J.Baskaran

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Kattapomman Nagar,
Tirunelveli – 627 011
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Ranithottam,
Kanyakumari District.

3. The Dean,
Rajiv Gandhi Government General Hospital and MMC,
Chennai – 600 003.

...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 provide a copy of the Medical Board Report relating to the petitioner's
Medical examination conducted by the 3rd respondent.



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For Petitioner : Mr.M.Dennis Joe
For Respondents 1 & 2 : Mr.Jebaraj
For 3rd respondent : Mr.P. Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed for issuing a direction to the respondents to provide a copy of the Medical Board Report relating to the petitioner's Medical examination conducted by the 3rd respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner joined as a Driver during 1995 under the 2nd respondent Corporation and has completed 27 years of service. He was suffering from DCLD + Esophagalvaricus, Hegaticenceplalojrilluy. Due to which, he was not able to discharge his duty as a driver. Hence, he made a representation, dated 28.07.2021 to the respondents 1 and 2 to refer his name to Kanyakumari Government Medical College Medical Board for alternate employment. The second respondent referred the petitioner to the third respondent and thereafter, he was instructed to appear before the 3rd



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respondent Hospital on 18.02.2022 and the petitioner was duly appeared therein. He was further instructed to appear in several dates and finally on 06.04.2022 the Medical examination was completed. After the Medical examination, the report of the Medical Board was not served on the petitioner. Despite the several request made from the petitioner, the said report was not furnished to the petitioner. Hence, he has made a representation, dated 16.03.2023 to the respondents 1 and 2 to serve a copy of the Medical report and the same was also not considered. Hence, the petitioner has come forward with the present Writ Petition.

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 amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, the



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respondents 1 and 2 are directed to consider the representations of the petitioner, dated 16.03.2023 and provide him a Medical Report provided by the Medical Board of the 3rd respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above said direction, this writ petition is disposed of.

There shall be no order as to costs.

02.08.2023

Index : Yes / No

Internet : Yes/ No

trp

To

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L.VICTORIA GOWRI, J.,

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