



W.P(MD)No.4913 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.4913 of 2024

T.Mallika

... Petitioner

Vs.

1.The Director of Public Health and
Preventive Medicine,
Chennai,
Tamil Nadu.

2.The Director of Medical and Rural Health Services,
Chennai,
Tamil Nadu.

3.The Joint Director (Health Services),
Office of the Joint Director of Health Services,
Thoothukudi District.

4.The Medical Superintendent,
Government Hospital,
Kovilpatti, Thoothukudi District.

5.The Chief Resident Medical Officer,
Thiruchendur,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to enabling the petitioner to re-join in her duty following the petitioner's representation, dated 08.01.2024.



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For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to enabling the petitioner to re-join in her duty following the petitioner's representation, dated 08.01.2024.

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

3. The petitioner has completed his MBBS., DNB (OG) (Diplomate in National Board of Education, Obstetrics and Gynaecology). The said graduation is equivalent to M.D, M.S in Tamil Nadu. The petitioner succeeded in the examination conducted by the Medical Recruitment Board and was appointed as Doctor (Specialist OG) in Thiruchendur Government Hospital on 29.01.2016. The Tripartite Agreement was executed between the Thiruchendur Government Hospital and the Kovilpatti Government Hospital and the petitioner was directed to educate the students who are studying the DNB courses in Kovilpatti Government Hospital, following which the petitioner had



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to travel more than 100 kms towards Kovilpatti Government Hospital from her residence everyday. As a result of which, she is suffering from dysfunctional uterine bleedings. Hence, she submitted an application for Medical Leave for one month from 14.06.2023 to 13.07.2023 along with medical certificate. Thereafter, on 14.07.2023, she joined duty after medical leave. However, the 3rd respondent restrained the petitioner from doing any work. Due to the ill-treating made out to the petitioner by the superior officers, she was constrained to send a resignation letter to the respondents, thereby resigning her job. Accordingly, she submitted a resignation letter on 21.08.2023 and the same has been sent to the respondents 3, 4 and 5 through registered post. However, the same has been rejected by the 5th respondent. The rejection letter of resignation was issued by the 2nd respondent on 30.11.2023 and the same was received by the petitioner on 04.01.2024 through the 5th respondent. Accordingly, the petitioner has made a representation on 08.01.2024 to the 1st respondent by stating that she has withdrawn her resignation letter earlier addressed to the 5th respondent and expressed her willingness to rejoin her duty. However, the same was not acted upon. 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



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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. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 08.01.2024 if her earlier resignation letter is not accepted, and pass orders in accordance with law within a period of four (4) weeks from the date of receipt of copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs.

04.03.2024

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

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- To
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L.VICTORIA GOWRI, J.

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