



W.P.(MD).No.4891 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4891 of 2024
and W.M.P(MD) No.4702 of 2024

P.Hari Subacini

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep by Secretary to Government,
Department of Public Health,
Fort St.George, Chennai-600 009.
2. The Chairman,
Medical Services Recruitment Board,
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai-600 006.
3. The Director of Public Health and Preventive Medicine,
Chennai-600 006.
4. The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Thoothukudi District.
5. The Medical Officer,
Primary Health Centre,
Betmunagaram, Thoothukudi District.

... Respondents



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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 consider the representation / requisition of the petitioner, dated 14.02.2024 for grant of extension in joining the posting of Assistant Surgeon (General) in the 5th respondent and consequently direct the respondents to execute necessary Bond with pre-conditions for grant of Extension to the petitioner in joining the post of Assistant Surgeon (General) in the 5th respondent.

For Petitioner : Mr. K.Muthu Ganesa Pandian

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to consider the representation / requisition of the petitioner, dated 14.02.2024 for grant of extension in joining the posting of Assistant Surgeon (General) in the 5th respondent and consequently direct the respondents to execute necessary Bond with pre-conditions for grant of Extension to the petitioner in joining the post of Assistant Surgeon (General) in the 5th respondent.



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2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4(i).The petitioner completed her medical education in MBBS from 2011-2016 and got registered with the Tamil Nadu Medical Council. The second respondent issued a notification No.02/MRB/2020, dated 22.05.2020 for recruitment to the post of Assistant Surgeon (General) and the same was withdrawn after two years. Thereafter, the second respondent issued a fresh notification No.11/MRB/2022, dated 11.10.2022. The petitioner had applied for the same on 20.10.2022 and the date of examination was announced on 11.12.2022 and 12.12.2022. Again in view of litigation, by the order of this Court in W.P(MD)No.23878 of 2022, dated 05.12.2022 the date of examination was postponed *sine die*. The second respondent has issued a letter to that effect on 05.12.2022. Thereafter, the examination was conducted on 25.04.2023 and



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the petitioner has been selected and appointed as Assistant Surgeon, Government Primary Health Centre, Betmunagaram, Thoothukudi Health Unit District.

(ii).Presently, the petitioner is doing D.M. under non-service category in Tirunelveli Medical College, for which, NEET(SS) examination was conducted on 02.09.2022. In this regard, the petitioner submitted a representation, dated 14.02.2024 to the respondents seeking permission to join the post, after completing her D.M. Course and the same was not considered. Hence, this writ petition came to be filed.

5. 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 respondents 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 the respondents to consider the same within a stipulated time.



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6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents 3 and 4 to consider the representation of the petitioner, dated 14.02.2024 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Rep by Secretary to Government,
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2. The Chairman,
Medical Services Recruitment Board,
7th Floor, DMS Buildings,
359, Anna Salai, Teynampet,
Chennai-600 006.



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3. The Director of Public Health and Preventive Medicine,
Chennai-600 006.
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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