



W.P(MD)No.6231 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.6231 of 2024

S.Easwari

... Petitioner

Vs.

**The Director,
Public Health and Preventive Medicine Department,
DMSS Complex,
Tenampet, Chennai-6.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 02.02.2024 to transfer and post the petitioner as Sector Health Nurse at RBSK, Chinnalapatti Block, Dindigul District within the time frame fixed by this Court.

For Petitioner : Mr.A.Srinivasan

**For Respondent : Mr.C.Baskaran
Government Advocate**

ORDER

The present writ petition has been filed seeking direction to the respondent to consider the petitioner's representation, dated 02.02.2024 to



W.P(MD)No.6231 of 2024

transfer and post the petitioner as Sector Health Nurse at RBSK, Chinnalapatti Block, Dindigul District within the time frame fixed by this Court.

2. The petitioner is working as Sector Health Nurse at Kosavapatti Block Primary Health Centre, V.S.Kottai Primary Health Centre, Dindigul District. The petitioner's husband is bedridden and there is no one to take care of him. Hence, it is necessary for the petitioner to be with him at this point of medical crisis. The petitioner is serving in the present place from October 2020. Now, the post of Sector Health Nurse attached to RBSK Chinnalapatti Block is falling vacant due to the retirement of one Mary on 31.05.2024. Hence, the petitioner had sent a representation on 02.02.2024 requesting to transfer her to RBSK Chinnalapatti Block, Dindigul District to the respondent. However, the same is not considered. Hence, this writ petition came to be filed.

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 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



W.P(MD)No.6231 of 2024

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.

4. Without going into the merits of the case, this Court hereby direct the respondent to consider the representation of the petitioner, dated 02.02.2024 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.

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

15.03.2024

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

gbg

To

The Director,
Public Health and Preventive Medicine Department,
DMSS Complex,
Tenampet, Chennai-6.



WEB COPY



W.P(MD)No.6231 of 2024

L.VICTORIA GOWRI, J.

gbg

W.P(MD)No.6231 of 2024

15.03.2024