



WP.(MD).No.7631 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7631 of 2024
and
W.M.P.(MD)No.6982 of 2024

1.P.Agniveeran
2.C.Guru
3.M.Ayyappan
4.S.Shyamala
5.J.Solomon
6.A.Ponnarasi

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Fort. St. George, Chennai -9.

2.The Director of Medical and Rural Health Services,
DMS Campus,
Teynampet,
Chennai – 18.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 09.10.2023 and 07.03.2024 in the light of the order passed by the Hon'ble Division Bench in Review Application Nos.37, 79 and 31 of



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2011 dated 31.03.2011 and consequently direct the respondents to give appointment to the petitioners in Government Medical Hospital by considering their seniority.

For Petitioners : Mr.S.Arivalagan For Mr.R.Ramchandran
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to consider the representation of the petitioners dated 09.10.2023 and 07.03.2024 in the light of the order passed by the Division Bench in Review Application Nos.37, 79 and 31 of 2011 dated 31.03.2011 and consequently direct the respondents to give appointment to the petitioners in Government Medical Hospital by considering their seniority.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

All the petitioners are qualified in Diploma in General Nursing and Midwifery and they have pursued their course in



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various Government Medical Colleges in the State of Tamil Nadu during the academic year 2008 – 2011. The said course is 3 ½ years and the prior batchmates have got appointment through seniority. The Civil Appeal Nos.13780 to 13802 of 2015 filed by the 'Private Studies Nurse Association' are dismissed as withdrawn on 10.08.2023 and the order was passed by this Court in Review Application (MD)Nos.37,79 and 31 of 2011 on 23.09.2011, in favour of the students who have pursued education in the Government Institutions. Earlier few students who studied in Private Nursing Colleges has filed W.P.(MD)No.12971 of 2009 and the same was dismissed on 25.10.2010. Against which, W.A. (MD)No.118 of 2011 and other writ petitions filed by the students who pursued Nursing education in Private institutions and all those cases were dismissed by the Hon'ble Division Bench of this Court on 12.02.2024. Since the petitioners have pursued their Nursing course in Government Institutions, there is no bar for them to appoint in Government Hospitals. Hence, the students who have pursued Nursing in Government Colleges, have sent a representation on 09.10.2023 to the respondents. However, the same has not be considered. Hence, the reminder was made on 07.03.2024 and the same is also not considered.



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4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and carefully perused the entire materials available on record.

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 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.

6. In view of the same, without going into merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated 09.10.2023 and 07.03.2024 and pass appropriate orders in the light of the order passed in the Hon'ble Division Bench in Review Application Nos.37, 79 and 31 of 2011 dated 31.03.2011 within a period of eight weeks from the



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date of receipt of copy of this order.

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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

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

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort. St. George, Chennai -9.
2. The Director of Medical and Rural Health Services,
DMS Campus,
Teynampet,
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L.VICTORIA GOWRI, J.

Mrn

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