



W.P.(MD)No.11670 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11670 of 2024

Dr.R.Deivanayagam
Professor & HOD Radiotherapy
Department of Radiotherapy
Tirunelveli Medical College Hospital
Tirunelveli - 627 001

... Petitioner

VS.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.

3.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli - 627 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to pass orders forthwith on the petitioner's representation to them dated 30.04.2024 seeking to fix his date of promotion as Professor in Radiotherapy *w.e.f.* the date of promotion given to his juniors under G.O.



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(Rt)No.232, Health and Family Welfare (A1) Department dated 28.02.2019 for the purpose of determination of seniority and all other consequential benefits.

For Petitioner : Mr.K.Ragatheesh
for M/s.Isaac Chambers

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

The petitioner herein, who is working as a Professor and Head of the Department in Radiotherapy, Tirunelveli Medical College, Tirunelveli, had given a representation dated 30.04.2024 to the respondents seeking to promote him as Professor *w.e.f.* the date on which his juniors were given promotion. Since the said representation was not considered, the present writ petition has been filed.

2. 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 them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As



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such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents 1 and 2 are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

3. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 30.04.2024 on their own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents 1 and 2 to consider the same on their own merits.



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4. With the above direction, the Writ Petition stands **disposed**

of. No costs.

04.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

mbi



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To

- 1.The Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli - 627 001.



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R.N.MANJULA, J.

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