



WP(MD). No.13708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13708 of 2024

Graduates Radiation Technologies
Association of Tamilnadu
Rep. by its President T.Mariarajan

... Petitioner

Vs

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai..

2. The Director of Public Health and Preventive Medicine,
No.359, Anna Salai,
Dms Complex,
Teynampet,
Chennai – 600006..

... Respondents

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 strictly implement the clause of GO(2D). No. 131 Health and Family Welfare (A1) Department dated 20.11.2007 while conducting transfer counselling for medical and paramedical persons by considering the representation of the petitioner dated 08.06.2024.



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For Petitioner : Mr.S.C.Herold Singh,

For Respondents : Mr.M.Lingadurai

ORDER

The writ petition has been filed for a mandamus to direct the respondents to strictly implement the clause of GO(2D). No. 131 Health and Family Welfare (A1) Department dated 20.11.2007, while conducting transfer counselling for medical and paramedical persons by considering the representation of the petitioner dated 08.06.2024.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner, who is the President of Graduate's Radiation Technologies Association of Tamilnadu, has sent a representation to the respondents to strictly adhere/implement GO(2D). No. 131 Health and Family Welfare (A1) Department dated 20.11.2007 during transfer counselling for medical and paramedical persons. Since the said



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representation was not considered, the petitioner is before this Court with this writ petition.

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. The failure on the part of the authority had prompted the petitioner to file this petition for 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 are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 08.06.2024 on its own merits and pass appropriate orders in accordance



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with law, after making due enquiry, 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 case or the claim of the petitioner and it is open to the 1st respondent to consider the same on its own merits.

7. With the above direction, this writ petition is **disposed of**. No costs.

26.06.2024

RR

To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai..

2. The Director of Public Health and Preventive Medicine,
No.359, Anna Salai,
Dms Complex,
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R.N.MANJULA,J

RR

**ORDER
IN
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