



W.P.(MD)No.8182 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8182 of 2025

Dr.K.Regan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai.

2.The Director of Medical and Rural Health Services,
DMS Complex,
359-361, Anna Salai,
Chennai - 600006.

3.The Medical Services Recruitment Board,
Represented by its Chairman,
7th Floor, DMS Building,
359, Anna Salai,
Chennai – 600006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to issue appointment order to the petitioner in the post of Assistant Surgeon (Dental) in



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pursuance to the proposal submitted by the third Respondent vide Ref.No.620/MRB/E2/2014 dated 29.11.2016 by considering the representation of the petitioner dated 28.02.2025 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.S.Vinoth
Government Advocate

ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the respondents 1 and 2 to issue appointment order to the petitioner in the post of Assistant Surgeon (Dental) in pursuance to the proposal submitted by the third respondent dated 29.11.2016 by considering the representation of the petitioner, dated 28.02.2025.

2. The case of the petitioner is that she has completed BDS course and she is fully qualified to hold the post of Assistant Surgeon (Dental). She appeared in the written examination for the post of Assistant Surgeon (Dental) under General Turn Category in the year 2014, pursuant to the notification issued to fill up the vacancy of Assistant Surgeon in the year 2014. Since three general turn vacancies have not been filled by the second respondent through



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counselling due to the non-joining candidate selected by the third respondent, the first respondent has sent a letter, dated 18.10.2016 in relaxation of Rule 7 prescribed in G.O.Ms.No.36, Health and Family Welfare (B2) Department, dated 12.02.2014 to the third respondent to send a list of candidates to fill up the vacancy post of three Assistant Surgeon (Dental) – general turn posts. Subsequently, the petitioner was called for certificate verification on 07.11.2016. Thereafter, the third respondent sent a proposal dated 29.11.2016 to the first respondent. The first respondent has not pass any orders on the proposal sent by the third respondent. Aggrieved by the same, the petitioner has submitted a representation, dated 28.02.2025 to the first respondent requesting to issue appointment order to the petitioner based on the proposal submitted by the third respondent on 29.11.2016. But the said representation is not considered. Against the inaction of the first respondent in considering the representation, dated 28.02.2025, the present writ petition has been filed.

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

4. Considering the facts and circumstances of the case and in view of the fact that the representation submitted by the petitioner on 28.02.2025 is pending



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with the first respondent without passing any orders or taking any decision, in

my considered view, it is appropriate and reasonable to dispose of this writ petition at the admission stage with the consent of both sides without going into the merits of the case with a direction to the first respondent to consider the representation of the petitioner, dated 28.02.2025 pursuant to the proposal submitted by the third respondent on 29.11.2016 and pass appropriate orders in accordance with law within a time to be stipulated to meet the ends of justice.

5. Accordingly, this writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner, dated 28.02.2025, pursuant to the proposal submitted by the third respondent on 29.11.2016 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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BATTU DEVANAND, J.

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