



W.P.(MD).No.14368 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14368 of 2025

and

W.M.P.(MD)No.10555 of 2025

S.Javid Ahamed

... Petitioner

-vs-

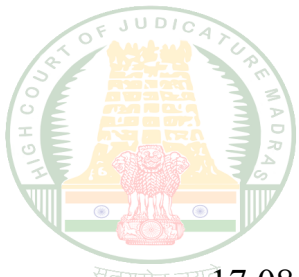
1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2. The Director of Public Health and Preventive Measures,
64, 75, Varadharajapuram Main Rd,
Chokkalingam Nagar, Teynampet,
Chennai-600006.

3. The Secretary,
The Tamil Nadu Medical Service Recruitment Board,
7th Floor, DMS Building,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the Respondents to provide incentive marks for the 16 months of service rendered by the Petitioner during the Covid Pandemic in addition to the marks scored by the petitioner in MRB-2024 examination conducted in pursuance of the notification vide No. 1/MRB/2024 dated 15.03.2024 issued by the 3rd Respondent in light of the G.O(Ms) No. 278 Health and Family Welfare (B1) Department dated



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17.08.2023 and consequently to appoint the petitioner in the post of Assistant Surgeon (General) within the period that maybe stipulated by this Court.

For Petitioner : Ms.H.Jasima Yasmin
For Respondents : Mr.K.Balasubramani (R1 & R2)
Special Government Pleader
Mr.J.K.Jayaseelan (R3)
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the respondents to provide incentive marks for 16 months of service rendered by the petitioner during Covid Pandemic in addition to the marks scored by the petitioner in MRB-2024 examination conducted in pursuance of the notification vide No. 1/MRB/2024 dated 15.03.2024 issued by the 3rd Respondent, in the light of G.O(Ms)No.278 Health and Family Welfare (B1) Department, dated 17.08.2023 and consequently to appoint the petitioner in the post of Assistant Surgeon (General) within the period that may be stipulated by this Court.

2. Heard the learned counsel on either side.



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3. The petitioner has completed MBBS degree in the year 2016 and has completed MD Anesthesia at Delhi during 2018-2021. At that time, the petitioner was assigned with duty of handling corona affected patients, for which the petitioner was issued with the certificate of recognition from the said hospital. The petitioner applied for the post of Assistant Surgeon (General) pursuant to the notification dated 15.03.2024 and has also appeared for the examination on 05.01.2025 and the petitioner got 53 marks. The first respondent has issued Government Order in G.O.Ms.No.278, Health and Family Welfare (B1) Department, dated 17.08.2023 providing incentive marks to the Medical Officers, who have worked in Government Medical Institutions during Covid pandemic, in addition to the marks obtained in the examinations held by Medical Service Recruitment Board. However, the said incentive marks have not been granted for the petitioner and his name was also not listed in the provisional selection list dated 20.02.2025. Hence, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. The learned counsel appearing for the petitioner submits that the petitioner may be permitted to give a fresh representation to the respondents and it would suffice if the same is disposed by the respondents in accordance with law.



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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 him 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, this Court directs the petitioner to submit a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of one month from the date of receipt of the representation. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.062025

NCC : Yes/No
Index : Yes / No
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TO:-

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Director of Public Health and Preventive Measures,
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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
20.06.2025