



W.P.(MD)No.15934 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15934 of 2025

S.Vasanthi

... Petitioner

-VS-

1.The Director of Medical Health and Rural Services,
O/o. The Director of Medical Health and Rural Services,
Chennai - 600 006.

2.The Joint Director (Medical),
O/o. The Joint Director (Medical),
Pudukottai.

3.The Chief Medical Officer,
Government Hospital Aranthangi,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to direct the respondents 2 and 3 to reinstate the petitioner in the post of the Assistant Surgeon under the third respondent, within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik

For Respondents : Mr.K.Balasubramani
Special Government Pleader



W.P.(MD)No.15934 of 2025

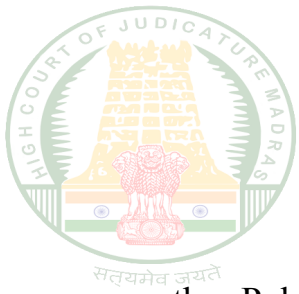
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ORDER

This Writ Petition has been filed seeking a direction to the first respondent to issue appropriate instructions to the respondents 2 and 3 to reinstate the petitioner in the post of Assistant Surgeon under the control of the third respondent.

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

3. According to the petitioner, she was selected for the post of Assistant Surgeon in the Tamil Nadu Medical Service on 23.12.1995 and had been discharging her duties diligently. Due to medical reasons, the petitioner applied for 90 days of medical leave on 06.11.2012 and 07.02.2013, enclosing medical certificates issued by the competent authority at the Government Hospital under the control of the third respondent. However, despite her requests and supporting medical documents, the petitioner was not reinstated in service. She submitted detailed representations dated 25.11.2024 and 04.12.2024 seeking reinstatement, but no action was taken. In response to a Right to Information (RTI) application,

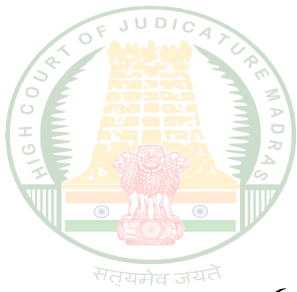


W.P.(MD)No.15934 of 2025

the Public Information Officer of the respondent Department informed the petitioner, through proceedings dated 30.01.2025, that her representation is under consideration. However, till date, no final decision has been communicated to her. In view of the prolonged inaction despite repeated representations and the confirmation of pendency by the Department itself, the petitioner has been constrained to approach this Court by way of the present Writ Petition, seeking appropriate directions for her reinstatement in service.

4. Heard both sides.

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.



W.P.(MD)No.15934 of 2025

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6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 06.06.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. 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 first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

18.06.2025

To:-

- 1.The Director of Medical Health and Rural Services,
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Chennai - 600 006.
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W.P.(MD)No.15934 of 2025

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W.P.(MD)No.15934 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.15934 of 2025

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