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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.07.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.19368 of 2025

1.I.Parthasarathi
2.A.K.Venkitachalam ... Petitioners

-vs-

1. The State of Tamil Nadu,
   Rep., by its Secretary to Government,
   Health and Family Welfare Department,
   Secretariat, Chennai.

2. The Director of Public Health and Preventive Medicine,
   D.M.S. Campus,
   Teynampet, Chennai.

3. Medical Services Recruitment Board,
   Rep., by its Chairman/member Secretary,
   7th Floor, DMS Building,
   359, Anna Salai,
   Teynampet, Chennai.

4. The Director of Medical Service,
   DMS Campus,
   Chennai. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioners for the post of Optometry Assistant in the light of order made in

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W.P.(MD).No.5352 of 2023 dated 03.04.2023 and in the light of order made in W.A.(MD).No.35 of 2024 dated 24.04.2025 by considering the Petitioners representation dated 27.06.2025 within the period that may be stipulated by this Court.

For Petitioners : Mr.H.Mohammed Imran
For Respondents : Mr.K.Balasubramani (R1, R2 & R4)
Special Government Pleader
Mr.V.Ramesh (R3)

ORDER

This writ petition has been filed seeking a direction to the respondents to appoint the petitioners for the post of 'Optometry Assistant' in the light of order made in W.P.(MD).No.5352 of 2023 dated 03.04.2023 and in W.A.(MD).No.35 of 2024 dated 24.04.2025 by considering the petitioners' representation dated 27.06.2025 within the period that may be stipulated by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

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3. The first petitioner completed the course in Bachelor of Clinical Optometry and the second respondent completed the course of Diploma in Optometry. Both are eligible for the post of Ophthalmic Assistants. The petitioners applied for the said post, as they have eligible requirements. However, no steps have been taken to fill up the posts. They also preferred a detailed representation to the respondents dated 27.06.2025 in this regard. Since the said representation was not considered, the petitioners have filed the present Writ Petition.

4. 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.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioners' representation dated

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27.06.2025, on its own merits and pass appropriate orders in accordance with law, 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 respondents to consider the same on its own merits.

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

16.07.2025
(2/2)

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

1. The Secretary to Government,
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2. The Director of Public Health and Preventive Medicine,
   D.M.S. Campus,
   Teynampet, Chennai.

3. Medical Services Recruitment Board,
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   7th Floor, DMS Building,
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4. The Director of Medical Service,
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.19368 of 2025
(2/2)

Dated:
16.07.2025

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