



W.P.(MD)No.30700 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.30700 of 2024

and

WMP (MD) Nos.25771, 25773 & 25774 of 2024

Vaishnavi

: Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Health and Family Welfare Department,
Chennai 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Secretary,
Selection Committee,
Office of the Directorate of Medical Education and
Research,
Kilpauk, Chennai 600 010.
4. The Secretary,
Medical Council of India,
Pocket - 14, Sector 8,
Dwaraka, New Delhi.
5. The Dean,
Srinivasan College of Nursing,



W.P.(MD)No.30700 of 2024

Nh-45, Trichy-Chennai Highway,
Samayapuram, Trichy.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to consider the petitioner case for any vacancy that arises in the relevant paramedical course under the Government quota and grant the petitioner the benefit of such vacancy, if any, based on the petitioner merit and the provisions of the law by considering the petitioners representation dated 22.11.2024.

For Petitioners : Mr.T.Xavier Devasahayam

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate

for R1 & R2

Ms.M.Sneka

Standing Counsel for R3

Ms.S.Subharanjini Ananth for R4

Mr.B.Saravanan, Senior Counsel for R5

for M/s.B.Saravanan Associates

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to consider the petitioner's case for any vacancy that arises in the relevant paramedical course under the Government quota and grant her the benefit of such vacancy, if any, based on merit and the provisions of the law by considering her representation dated 22.11.2024.



W.P.(MD)No.30700 of 2024

WEB COPY

2. The petitioner claims that she was admitted to B.Sc. Nursing in the fifth respondent College under the Government quota and paid all the necessary fees. It is alleged by the petitioner that the fifth respondent videographed the petitioner and threatened her for reasons best known to the fifth respondent College. Furthermore, it is alleged that the fifth respondent insisted the petitioner to acknowledge the letter of cancellation of her admission. In this regard, the petitioner submitted a representation to the third respondent to initiate action against the fifth respondent College. However, since no action has been taken, the petitioner has now filed the present Writ Petition.

3. Heard both sides.

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



W.P.(MD)No.30700 of 2024

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 third respondent to consider the petitioner's representation dated 22.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks 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 third respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.02.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.30700 of 2024

WEB COPY

To

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Health and Family Welfare Department,
Chennai 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Secretary,
Selection Committee,
Office of the Directorate of Medical Education and
Research,
Kilpauk, Chennai 600 010.
4. The Secretary,
Medical Council of India,
Pocket - 14, Sector 8,
Dwaraka, New Delhi.



WEB COPY



W.P.(MD)No.30700 of 2024

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.30700 of 2024

13.02.2025