



W.P.(MD).No.18467 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18467 of 2022

Sri.S.Ramasamy Naidu Memorial College,
Represented by its Secretary V.Venkataraman

... Petitioner

Vs.

1.The Directorate of Collegiate Education,
College Road,
Chennai-600 006.

2.The Regional Joint Director of Collegiate Education,
Madurai Region,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the representation/proposal dated 05.02.2019 and 31.05.2022 of the petitioner's college seeking sanction of 5 additional/new posts to be more precise 2 posts in Tamil, 1 post in English, 1 post in Physics and 1 post in Computer Science in the light of the 2nd respondent's recommendation made in Na.Ka.No.1445/Vo2/2019-1 dated 06.02.2019 within a time to be stipulated by this Court.

For Petitioner : Mr.S.Balamurugan



W.P.(MD).No.18467 of 2022

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to consider the representation/proposal dated 05.02.2019 and 31.05.2022 of the petitioner's college seeking sanction of 5 additional/new posts to be more precise 2 posts in Tamil, 1 post in English, 1 post in Physics and 1 post in Computer Science in the light of the 2nd respondent's recommendation made in Na.Ka.No.1445/Vo2/2019-1 dated 06.02.2019 within a time to be stipulated by this Court.

2. The petitioner is a Linguistic Minority Educational Institution established in the year 1970. On 05.02.2019, the petitioner college addressed a detailed memorandum as to the requirement of additional cadre strength so as to create new posts, at about 5, 2 posts in Tamil, 1 post in English, 1 post in Physics and 1 post in Computer Science to the respondents for appreciation. By the proceedings of the 2nd respondent addressed to the 1st respondent, dated 06.02.2019, the said requisition made by the petitioner college was forwarded



W.P.(MD).No.18467 of 2022

for consideration. Thereafter, the petitioner college has sent a reminder representation to the respondents on 31.05.2022. However, the said representation is not considered. Hence, this writ petition came to be filed.

3. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. In view of the same, this Court hereby directs the respondents to consider the representation, dated 31.05.2022 placed by the petitioner college and thereafter, directs the 1st respondent to consider the proposal forwarded on behalf of the petitioner college through the 2nd respondent in accordance with law. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.



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W.P.(MD).No.18467 of 2022

5. In view of the above, this Writ Petition stands disposed of. No costs.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Directorate of Collegiate Education,
College Road,
Chennai-600 006.
- 2.The Regional Joint Director of Collegiate Education,
Madurai Region,
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W.P.(MD).No.18467 of 2022

L.VICTORIA GOWRI, J.

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W.P.(MD).No.18467 of 2022

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