



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.22089 of 2019

and

W.M.P (MD) No.18864 of 2019

R.Vadivelamsamy

... Petitioner

/vs./

The District Collector,
Tiruchirappalli District,
Tiruchirappalli-620 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner representation dated 21.09.2019, to the respondent, for considering the petitioner applications and for taking the petitioner applications on file for further processing in appointing the Special Public Prosecutors exclusively for conducting prosecution in cases involving sexual assaults on children under Protection of Children from Sexual Offenses (POCSO) Act, 2012, in the Mahila Court and in the Principal District and Sessions Court of Tiruchirappalli District.

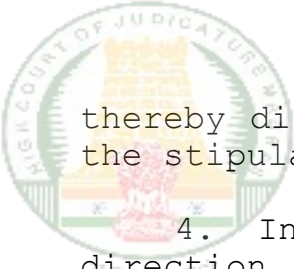
For Petitioner : Mr.S.Jayaseelan
For Respondent : Mr.R.Sethuraman
Special Government Pleader.

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The limited prayer sought for the petitioner is that to consider the representation dated 21.09.2019 seeking for considering his application for the post of Special Public Prosecutor vide notification dated 08.07.2019 in RC No.D4/17673/2019 dated 08.07.2019.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondent to consider the same on its own merit and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and



thereby direct such authority to consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 21.09.2019 on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

The District Collector,
Tiruchirappalli District,
Tiruchirappalli-620 001.

+1 CC to M/s.SPL.GP (SR-105992[F] dated 19/12/2019)

+1 CC to M/s.S.JEYASEELAN, Advocate (SR-106366[F] dated 20/12/2019)

Order made in
W.P.(MD)No.22089 of 2019
and
W.M.P(MD) No.18864 of 2019
Dated:
18.12.2019

avs(CO)
TR(20.12.2019)2P 3C