



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM:

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

W.P. (MD) No.25954 of 2019

J.Vijila Anbumalar

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of Higher Educational
Fort St.George, Chennai-600 009.

2.The Director of Collegiate Education,
College Road, Chennai-600 006.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

4.The Correspondent Secretary
Nazareth Margoschis College at Pillaiyanmanai
No.7, "JESUS Cottage", Jebamaligai Street,
Railway Feeder Road, Palayamkottai,
Tirunelveli District-627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to approve forthwith the appointment of the petitioner as Water woman in the 4th respondent college and disburse the grant-in-aid towards her salaries and allowances w.e.f. 21.12.2012 i.e., from her date of appointment with all attendant benefits by considering the proposal submitted by the fourth respondent college dated 03.01.2013 and 04.09.2019 and the representation of the petitioner dated 26.08.2019 and 28.10.2019.

For Petitioner : Mr.A.Rajesh

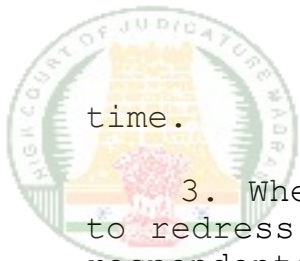
For Respondents : Mr.C.M.Marichelliah Prabhu

Additional Government Pleader (for R1 to R3)

O R D E R

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

2. Though the petitioner has sought for issuance of writ of mandamus seeking for a direction to the respondents 1 to 3 to approve the petitioner's appointment as Water woman in the 4th respondent college, the learned counsel for the petitioner would submit that he would be satisfied, if the representation made by the petitioner on 28.10.2019 be directed to consider within a stipulated



time.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents 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 respondents 1 to 3 to consider the representation of the petitioner, dated 28.10.2019 and pass orders on merits and in accordance with law within a period twelve 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 respondents to consider it in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The Secretary,
Department of Higher Educational
Fort St.George, Chennai-600 009.

2.The Director of Collegiate Education,
College Road, Chennai-600 006.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

+1 CC to M/s.A.RAJESH, Advocate (SR-103738[F] dated 06/12/2019)

+1 CC to M/s.SPL GP (SR-103825[F] dated 06/12/2019)

W.P. (MD) No.25954 of 2019

05.12.2019