



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.506 of 2020

Shahila Rani

:Petitioner

Vs

1. The Director of Public Librarian,
Directorate of Public Librarian,
737/1, Anna Salai,
Chennai - 600 002.

2. The District Library Officer
The District Library Office
Nagercoil
Kanyakumari District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to consider the petitioner's representation dated 16.12.2019 in the light of judgment in 2013-2-CTC-400 and to grant maternity leave to her in terms of Rule 101(a) recognizing the child obtained surrogate procedure, within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

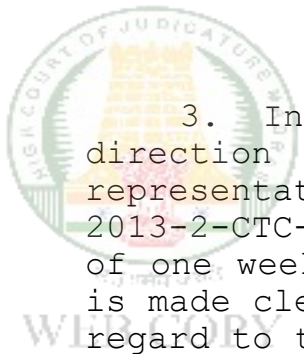
For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

O R D E R

The limited prayer sought for by the petitioner is that to issue a direction to the respondents to consider her representation dated 16.12.2019, in the light of judgment in 2013-2-CTC-400 and to grant maternity leave to her in terms of Rule 101(a) recognizing the child obtained surrogate procedure, within the time stipulated by this Court.

2. 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 merits 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.



3. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 16.12.2019, in the light of the judgment in 2013-2-CTC-400 and to grant maternity leave orders within a period of one week 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 her representation and it is for the respondents to consider it in accordance with law.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Director of Public Librarian,
Directorate of Public Librarian,
737/1, Anna Salai,
Chennai - 600 002.

2. The District Library Officer
The District Library Office
Nagercoil
Kanyakumari District.

+1 CC to Mr.M.R.SREENIVASAN, Advocate (SR-4014[F] dated 30/01/2020)

+1 CC to SPL.GP (SR-4318[F] dated 31/01/2020)

Order made in
W.P. (MD) No.506 of 2020
30.01.2020

VB(03.02.2020) 2P 5C