



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P (MD)No.2172 of 2020

WEB COPY

V.Sumathi

.. Petitioner

Vs.

The Special Officer and Commissioner,
Madurai Corporation,
Madurai-625 002.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 05.08.2019.

For Petitioner : Mr.R.Rengaramanujam

For Respondent : Mr.J.Gunaseelan Muthiah
Standing Counsel.

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 in the present writ petition is for a direction to the respondent to consider the petitioner's representation dated 05.08.2019, wherein she has sought for re-appointment in the post of BT Assistant (Science).

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.Section 49 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 provides that reappointment of the teacher who has already tendered resignation on condition that the reappointment will not entitle the teacher to any benefit or



concession admissible under this Act and that such Teacher is deemed to have forfeited her service rendered earlier in the post of BT Assistant or any other previous service under the Government and she will also not be entitled to count any portion of her previous service for such benefits or concession. However, the reappointment is not totally prohibited in view of Section 49 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. In this background, it would be appropriate to direct the respondent to consider the petitioner's representation on its own merits and in accordance with law.

5.In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 05.08.2019 on its own merits and pass appropriate orders within a period of twelve (12) 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 her representation and it is for the respondent to consider it in accordance with law.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

The Special Officer and Commissioner,
Madurai Corporation,
Madurai-625 002.

+1 CC to Mr.R.RENGARAMANUJAM, Advocate (SR-4592[F]dated 04/02/2020)

+1 CC to Mr.J.GUNASEELAN MUTHIAH, Advocate (SR-4604[F] dated 04/02/2020)

W.P (MD) No.2172 of 2020
04.02.2020

VB(20.02.2020) 2P 4C