



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2728 of 2020

WEB COPY

T.Mallika

Petitioner

Vs

1. The Principal Secretary to Government
State of Tamil Nadu
St.George Fort
Chennai

2. The District Collector
Tirunelveli Collectorate
Tirunelveli District

3. The District Employment Officer
Tirunelveli Collectorate
Tirunelveli District - 627 009

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 06.09.2019 and further directing the respondents to consider the employment registration seniority and select the petitioner for the post of Village Assistant or any other similar post in Government, for her qualification.

For Petitioner : Mr.S.Jeyasingh

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

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 to direct the respondents to consider the petitioner's representation dated 06.09.2019 and further to direct the respondents to consider the employment registration seniority and select her for the post of Village Assistant or any other similar post in Government, in my view, such a decision is to be taken by the third respondent and in case, the petitioner is aggrieved



against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that she has already made representation on 06.09.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. 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.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 06.09.2019, on its own merits and pass appropriate orders within a period of six 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 respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar(CS-I)

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/ /2020

Sub Assistant Registrar(CS)

vrn

To

1. The Principal Secretary to Government
State of Tamil Nadu
St.George Fort
Chennai

2. The District Collector
Tirunelveli Collectorate
Tirunelveli District



3. The District Employment Officer
Tirunelveli Collectorate
Tirunelveli District - 627 009

+1 CC to M/s.S.JEYASINGH, Advocate (SR-6241[F] dated 13/02/2020)

+1 CC to M/s.SPL.GP (SR-6599[F] dated 17/02/2020)

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