



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.3180 of 2020

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Mallika

... Petitioner

/Vs./

1.The Director,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.

2.The District Collector,
District Collector Office,
Tirunelveli District,
Tirunelveli 627 009.

3.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District,
Tirunelveli 627 009.

4.The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Thalaiyuthu, Tirunelveli District.

... 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 provide employment to the petitioner's daughter namely Pushparani daughter of late Govdindhan by considering her educational qualification as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

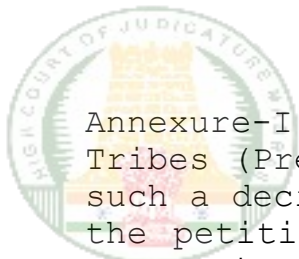
For Respondents : Mr.R.Sethuraman

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. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents 1 to 3 to provide employment to the petitioner's daughter, namely Pushparani, D/o late Govdindhan by considering her educational qualification as per Serial No.46 of



Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, in my view, such a decision is to be taken by the second respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

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3. The petitioner would submit that she has already made representations on 17.09.2018 and 30.12.2019 in this regard, which are said to be pending. If the said representations are 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 second respondent herein to consider the petitioner's representations, dated 17.09.2018 and 30.12.2019, 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar

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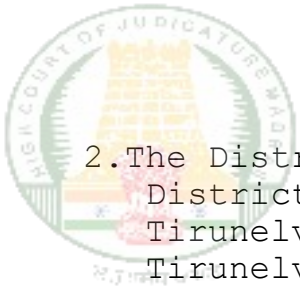
Sub Assistant Registrar(CS)

rmk

To:

1.The Director,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Chennai 600 005.

<https://hcservices.courts.gov.in/hcservices/>



2.The District Collector,
District Collector Office,
Tirunelveli District,
Tirunelveli 627 009.

3.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District,
Tirunelveli 627 009.

4.The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Thalaiyuthu, Tirunelveli District.
Thiruvaiyaru, Thanjavur District - 613 204.

+1 CC to M/s.R.KARUNANITHI, Advocate (SR-6830[F] dated 18/02/2020)

+1 CC to M/s.SPL.GP (SR-7050[F] dated 19/02/2020)

Order made in
W.P.(MD)No.3180 of 2020

KK/02.03.2020/3P-7C