

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.10460 OF 2021

K.Ananthakumar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep., by its Principal Secretary
to Government,
Department of Higher Education,
Fort St. George, Chennai-600 009.

2. The Principal,
Government Polytechnic College,
Palacode, Dharmapuri-636 808.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 26.06.2020 to direct the second respondent to promote the petitioner to the post of Lecturer in the Phrenology Department, Government Polytechnic College, Palacode in accordance with law within a time frame.

For Petitioner : Mrs.Nalini Chidamabaram,
Senior Counsel
for Ms.C.Uma

For Respondents: Mr.S.Karthikai Balan,
Government Advocate

O R D E R

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

2. Since the petitioner's request to the respondents to the post of Lecturer in the Phrenology Department, Government

Polytechnic College, Palacode was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 26.06.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 26.06.2020, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 26.06.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai-600 009.

2. The Principal,
Government Polytechnic College,
Palacode, Dharmapuri-636 808.

+1cc to Ms.C.Uma, Advocate, S.R.No.25459
+1cc to the Government Pleader, S.R.No.25677

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SSN(CO)
CS/01/07/2021



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