



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.36848 of 2016

M.Rajeshkumar

...Petitioner

Vs

1.The Secretary
Tamil Nadu Public Service Commission
Office of Tamil Nadu Public Service Commission
Chennai.
2.The Principal Chief Conservator of Forest
Head of Forest Force
Panagal Buildings
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider the representation of the petitioner dated 25.02.2016 to the post of Forest Apprentice in the Tamil Nadu Forest Subordinate Service included in Group VI Services in the light of Clause 6(A) r/w Section 6 of Tamil Nadu Act 40 of 2010, namely Tamil Nadu Appointment on Preferential basis in the services under the State of Persons studied in Tamil Medium Act, 2010 and pass orders.

For Petitioner : Mr.M.R.Franklin

For Respondents: Mr.Karthik Rajan, Standing Counsel
for TNPSC for R1
Mr.K.V.Sajeev Kumar
Government Counsel for R2

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 consider him to the post of Forest Apprentice in the Tamil Nadu Forest Subordinate Service included in Group VI Services in the light of Clause 6 (A) r/w Section 6 of Tamil Nadu Act 40 of 2010, namely Tamil Nadu Appointment on Preferential basis in the services under the State of Persons studied in Tamil Medium Act, 2010, was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 25.02.2016, 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 25.02.2016 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 25.02.2016 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks 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

//True copy//

Sub Assistant Registrar

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To

1.The Secretary
Tamil Nadu Public Service Commission
Office of Tamil Nadu Public Service Commission
Chennai.

2.The Principal Chief Conservator of Forest
Head of Forest Force
Panagal Buildings, Chennai.

+1cc to Mr.N.Umapathi, Advocate SR.No.33150

W.P.No.36848 of 2016

RK (CO)
GM (03/08/2021)