



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1285 of 2021

and

W.M.P. (MD) No.1074 of 2021

WEB COPY

V.Selvi

...Petitioner

Vs.

The District Backward Classes and
Minorities Welfare Officer,
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to grant the petitioner relaxation in the age limit by following the G.O.issued by the State Government in G.O.(Ms) No.21, Labour and Employment (No.2) Department dated 02.02.2000 in connection with the recruitment to the post of Cook intended to be filled up by the respondent based upon the interview which was held by him on 23.11.2020 on the strength of the petitioner's representation dated 04.01.2021.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Muthukaruppan

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.Since the petitioner's request to the respondent to grant relaxation in the age limit by following the G.O. issued by the State Government in G.O.(Ms)No.21, Labour and Employment (No.2) Department, dated 02.02.2000, in connection with the recruitment to the post of Cook intended to be filled up by the respondent based upon the interview which was held by him on 23.11.2020 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 04.01.2021, 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 04.01.2021, 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 view 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 04.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Backward Classes and
Minorities Welfare Officer,
Ramanathapuram District.

+1 CC to SPL GP (SR-2388[F] dated 29/01/2021)

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and

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VB (11.02.2021) 2P 3C

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