



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1333 of 2021

and W.M.P. (MD) .Nos.1107 & 1109 of 2021

WEB COPY

P.Thangaraju

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

2.The Directorate of Collegiate Education,
College Road, Chennai - 600 006.

3.The Teachers Recruitment Board,
Rep. by its Member Secretary,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent Teachers Recruitment Board to award 2 marks towards the teaching experience gained by the petitioner for the period 03.04.2009 to 29.06.2010 by considering his representation dated 01.03.2020, within a reasonable time as may be stipulated by this Court.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s. Isaac Chambers

For Respondents : Mrs.J.Padmavathi Devi for R1&2
Special Government Pleader

Mr.V.R.Shanmuganathan for R3
Special 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 respondents to award 2 marks towards the teaching experience gained by the petitioner for the period 03.04.2009 to 29.06.2010, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 01.03.2020, 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 third respondent herein to consider the petitioner's representation dated 01.03.2020, 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 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 third respondent to consider the petitioner's representation dated 01.03.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

- 1.The Secretary, State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
- 2.The Directorate of Collegiate Education,
College Road, Chennai - 600 006.
- 3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

+1 CC to M/s.ISSAC CHAMBERS, Advocate (SR-2658[F] dated
01/02/2021)

W.P. (MD) No.1333 of 2021

29.01.2021

ES (CO)

NR (10/02/2021) 3P : 5C