



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2205 of 2021

M.Jancy Merlin

...Petitioner

Vs.

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

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

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

4.The Correspondent-Secretary,
Scott Christian College (Autonomous)
Nagercoil - 629 003.
Kanniyakumari 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 give approval forthwith to the petitioner's appointment as Physical Education Instructor appointed in the 4th respondent college and disburse the grant-in-aid towards her salaries and allowances w.e.f. the date of her initial appointment i.e., 05.12.2007.

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.M.Muniyasamy
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 respondents to give approval forthwith to the petitioner's appointment as Physical Education Instructor appointed in the 4th respondent college and disburse the grant-in-aid towards her salaries and allowances w.e.f. the date of her initial appointment i.e., 05.12.2007, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 11.09.2018, 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 11.09.2018, 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 11.09.2018, 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.

Sd/-

Assistant Registrar (CS-III)

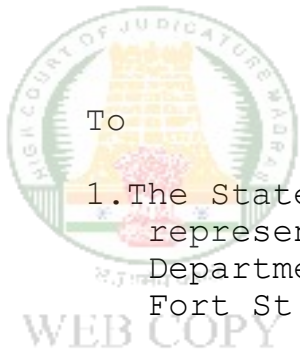
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/ /2021

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 State of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

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

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

+1 CC to SPL GP (SR-4273[F] dated 10/02/2021)

+1 CC to Mr.T.CIBI CHAKRABORTHY, Advocate (SR-4159[F] dated
10/02/2021)

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09.02.2021

VB (22.02.2021) 3P 6C