



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2784 of 2021

K.Sundar Rajan

...Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
No.3, TNPSC Road, VOC Nagar,
Chennai-600 003.

2.The Commissioner,
Revenue Administration,
Chepauk, Chennai-600 005.

3.The District Collector,
Sivaganga District at Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to appoint the petitioner as Junior Revenue Assistant in Revenue and Disaster Management Department, Sivagangai District or in any other place on par with similarly placed persons as directed to be filled up under Direct Recruitment in Combined Civil Services Examination IV(Group-IV) for the year 2018-2019 and 2019-2020.

For Petitioner : Mr.S.Xavier Rajini

For R-1 : Mr.D.Sivaraman

For R-2 and R-3 : Mr.P.Mahendran

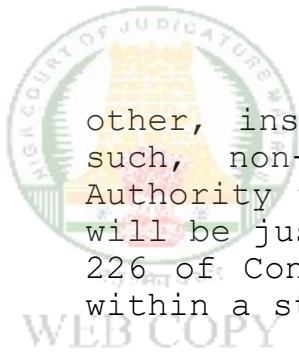
Additional Government Pleader

ORDER

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 appoint him as Junior Revenue Assistant in Revenue and Disaster Management Department, Sivagangai District or in any other place on par with similarly placed persons as directed to be filled up under Direct Recruitment in Combined Civil Services Examination IV(Group-IV) for the year 2018-2019 and 2019-2020 was not considered, the Writ Petition has been filed. According to the petitioner, he 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 third 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 third respondent to consider the petitioner's representation dated 04.01.2021, in the light of the proceedings of the Tamil Nadu Public Service Commission dated 19.11.2020, 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.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Tamil Nadu Public Service Commission,
No.3, TNPSC Road, VOC Nagar,
Chennai-600 003.

2. The Commissioner,
Revenue Administration,
Chepauk, Chennai-600 005.



3.The District Collector,
Sivaganga District at Sivagangai.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-5431[F] dated 16/02/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-5537[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-5645[F] dated 17/02/2021)

W.P. (MD) No.2784 of 2021
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MJ(CO)
KB(02.03.2021) 3P 7C