



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.3258 of 2021
and W.M.P.(MD).Nos.2588 & 2589 of 2021

D.Anbalagan

...Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Chennai.

2.The Chairman,
Teachers Recruitment Board,
Chennai.

3.The Director,
Directorate of Collegiate Education,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to fill up the post of Assistant Professor (Economics) in pursuance of the notification issued by the 2nd respondent in notification No.12/2019, dated 28.08.2019 in accordance with law, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian, Advocate

For Respondents: Mr.S.Dayalan for R1 and R3
Government Advocate,
Mr.VR.Shanmuga Nathan for R2
Standing Counsel

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 fill up the post of Assistant Professor (Economics) pursuance of the notification issued by the 2nd respondent in notification No.12/2019, dated 28.08.2019 in accordance with law, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 08.02.2021, 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 respondents herein to consider the petitioner's representation dated 08.02.2021, 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 respondents to consider the petitioner's representation dated 08.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of one week 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 ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS-II)

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 Principal Secretary to Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Chennai.



2.The Chairman,
Teachers Recruitment Board,
Chennai.

3.The Director,
Directorate of Collegiate Education,
Chennai.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-6177[F] dated
19/02/2021)

+1 CC to M/s.SPL GP (SR-6452[F] dated 22/02/2021)

W.P.(MD) No.3258 of 2021
19.02.2021

TM

TK/SAR-2/22.02.2021/3P/6C