



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3398 of 2021
and W.M.P.(MD).No.2758 of 2021

R.Arumugam

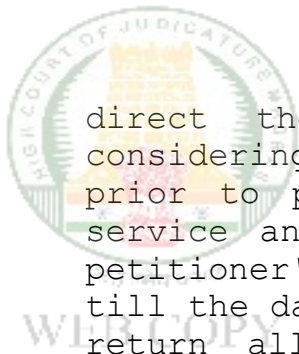
... Petitioner

Vs .

1. The State of Tamil Nadu,
rep. by its Secretary,
Department of Higher Education,
St. George Fort,
Chennai - 600 009.
2. The Secretary,
All India Council of Technical Education,
Nelson Mandela Marg,
Vasanth Kunj,
New Delhi - 110 070.
3. The Registrar,
Anna University,
Guindy,
Chennai - 600 025.
4. The Director,
O/o. The Directorate of Technical Education,
Guindy, Chennai - 600 025.
5. The Director,
Centre for Affiliation of Institutions,
Anna University,
Guindy, Chennai - 600 025.
6. The MET Engineering College,
Rep. by its Chairman,
Chenbagaraman Puthoor,
Kanniyakumari District - 629 304.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to take action against the 6th respondent for violating the norms of the Government as well as the University and AICTE and further



direct the respondents to accept petitioner's resignation by considering petitioner's letter dt.30.11.2020 as three month notice prior to petitioner's resignation and relieve the petitioner from service and consequently direct the 6th respondent herein to pay petitioner's arrears of salary from the month of November 2019 to till the date of resignation and further direct the 6th respondent to return all original certificates of the petitioner, which were submitted with the 6th respondent by the petitioner at the time of petitioner's appointment which were confiscated by the 6th respondent as on date, within a stipulated time frame by this Court.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.A.Muthu Karuppan for R1 & R4
Additional Government Pleader
Mr.N.Dilip Kumar for R2
Standing Counsel
Mr.M.Rajarajan for R3 & R5
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.Though the petitioner herein had sought for a direction to the respondents 1 to 5 to take action against the 6th respondent alleging violation of norms, the learned counsel for the petitioner would submit that he is not pressing the prayer for action against the 6th respondent and stated that the petitioner would be satisfied, if his representation dated 04.01.2021 to the 6th respondent seeking for return of his original certificates is considered.

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 submissions made, there shall be a direction to the 6th respondent herein to consider the petitioner's representation on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

WEB COPY

// 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,
State of Tamil Nadu,
Department of Higher Education,
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Guindy, Chennai - 600 025.

+1 CC to Mr.C.KISHORE, Advocate (SR-6775[F] dated 23/02/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-6957[F] dated 24/02/2021)
+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-7056[F] dated 24/02/2021)

TM

TE : 16/03/2021 : 3P/9C

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23.02.2021