



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3001 of 2021

and

W.M.P.(MD).Nos.2410 and 2416 of 2021

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Jothivenkatesan

... Petitioner

Vs.

1.The State represented by
the Secretary,
Higher Education Department,
Secretariat,
Fort St. George,
Chennai -9.

2.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai -6.

3.The Director,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai -6.

4.The Regional Joint Director,
Office of the Regional Joint Director of Collegiate Education,
Trichy.

5.The Director,
Office of the Director of Legal Studies,
Purasawalkam High Road,
Kilpauk,
Chennai -10.

... 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 4 to permit the petitioner to participate in the process of regularisation of guest lecturers and consequently direct them to appoint the petitioner as Assistant Professor in any of the Government Arts and Science Colleges with respect to subject of Sociology, based on the petitioner's representation, dated 14.02.2021.

For Petitioner
For R1, R3 to R5

: Mr.S.Krishnan
: Mrs.J.Padmavathi Devi
Special Government Pleader



For R2

: Mr.V.R.Shanmuganathan
Standing counsel

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 1 to 4 to permit the petitioner to participate in the process of regularisation of guest lecturers was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 14.02.2021, 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 1 to 4 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 first respondent herein to consider the petitioner's representation dated 14.02.2021, 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 first respondent to consider the petitioner's representation dated 14.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 (CS-II)

// 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.

WEB COPY

To

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Chennai -10.

+1 CC to M/s.S.KRISHNAN, Advocate (SR-5479[F] dated 16/02/2021)

W.P. (MD) No.3001 of 2021
16.02.2021

(VR) CO
AP(17/02/2021) 3P 7C