



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.3399 of 2021

and W.M.P. (MD).No.2759 of 2021

B.Babu

...Petitioner

Vs.

1.The Joint Registrar,
Co-operative Society,
Kanniyakumari Region,
Nagercoil,
Kanniyakumari District.

2.The Deputy Registrar,
Co-operative Society,
Palace Road,
Thuckalay,
Kanniyakumari District.

3.The President,
Charoor Primary,
Agricultural Co-operative Bank Ltd.,
Y-257, Charoor,
Moovattumugam,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to promote the petitioner as a post of clerk in the 3rd Respondent Society in view of petitioner's representation, dated 01.02.2021.

For Petitioner : Mr.V.M.Balamohan Thampi

For Respondents : Mr.P.Mahendran

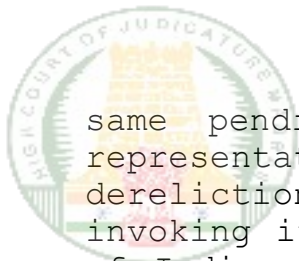
Additional Government Pleader

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 promote the petitioner as a post of clerk in the 3rd Respondent Society, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 01.02.2021, 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.

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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 01.02.2021, 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 third respondent to consider the petitioner's representation dated 01.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of six 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 petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

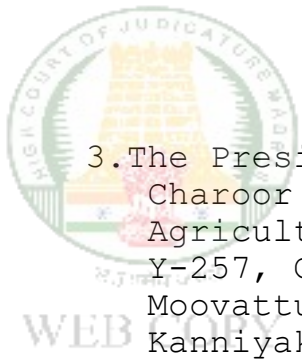
NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Joint Registrar,
Co-operative Society,
Kanniyakumari Region,
Nagercoil,
Kanniyakumari District.

2. The Deputy Registrar,
Co-operative Society,
Palace Road,
Thuckalay,
Kanniyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The President,
Charoor Primary,
Agricultural Co-operative Bank Ltd.,
Y-257, Charoor,
Moovattumugam,
Kanniyakumari District.

+1 CC to M/s.SPL GP (SR-6951[F] dated 24/02/2021)

+1 CC to M/s.V.M.BALAMOHANTHAMPI, Advocate (SR-7020[F] dated
24/02/2021)

W.P. (MD) No.3399 of 2021
23.02.2021

KUN (CO)
KB(10.03.2021) 3P 6C