



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3495 of 2021

P.Simson

...Petitioner

Vs.

1.The Director of Collegiate Education,
College Road, Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

3.The Secretary-Cum-Correspondent,
Women's Christian College,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to approve the petitioner's appointment as Sweeper in the third respondent College in the sanctioned vacancy caused by the promotion of Mrs.R.Packia Latha with effect from 01.10.2020 in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.2019 in W.P(MD) No.1234 of 2014 dated 24.02.2015 in W.A(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petitioner SLP No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 27.11.2020.

For Petitioner : Mr.S.Balamurugan

For R-1 and R-2 : Mrs.J.Padmavathi Devi
Special Government Pleader

For R-3 : Mr.Martin Jeyakumar

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 approve his appointment as Sweeper in the third respondent College in the sanctioned vacancy caused by the promotion of Mrs.R.Packia

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Latha with effect from 01.10.2020 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 27.11.2020, 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 1 and 2 herein to consider the petitioner's representation dated 27.11.2020, 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 1 and 2 to consider the petitioner's representation dated 27.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cp

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 Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-7572[F] dated 26/02/2021)

W.P. (MD) No.3495 of 2021
24.02.2021

NSM(CO)
TR(17.03.2021) 3P 4C