



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3433 of 2021

S.Sathish Kumar

...Petitioner

Vs.

1.The Director of Collegiate Education,
DPI Campus,
Chennai - 6.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.

4.The Secretary,
Sri Devi Kumari Women College,
Kuzhithurai Post,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.4 to absorb the petitioner in the post of Watchman in the 4th respondent College in the regular time scale of pay with effect from 21.01.2009 and with all consequential benefits within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents No.1&3	: Mr.N.Shanmuga Selvam Additional Government Pleader
For Respondent No.2	: Mr.K.P.Narayanakumar Special Government Pleader
For Respondent No.4	: Mr.K.Sathiya Singh

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. Considering the facts and circumstances of the case, notice to the fourth respondent is dispensed with.



2.Since the petitioner's request to the respondents to absorb the petitioner in the post of Watchman in the 4th respondent College in the regular time scale of pay with effect from 21.01.2009 with all consequential benefits , was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 10.02.2021, 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 3 and 4 herein to consider the petitioner's representation dated 10.02.2021, 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 3 and 4 to consider the petitioner's representation dated 10.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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)

TM

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.

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



To

1.The Director of Collegiate Education,
DPI Campus,
Chennai - 6.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.

+1 CC to Mr.G.ANTO PRINCE, Advocate (SR-6976[F] dated 24/02/2021)

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-7016[F] dated 24/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-7281[F] dated 25/02/2021)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-6861[F] dated 24/02/2021)

Order made in
W.P. (MD) No.3433 of 2021
23.02.2021
(5/5)

NS (CO)

SRS (09/03/2021) 3P : 8C