



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3078 of 2021

and

W.M.P. (MD) .No.2456 of 2021

WEB COPY

Dr.M.Balakumari

...Petitioner

Vs.

- 1.The Director,
Higher Education Department,
Chennai 600 006.
- 2.The Regional Joint Director,
Regional Joint Director Office,
Higher Education Department,
Madurai.
- 3.The Principal,
Government Arts and Science College,
Andipatti,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings cut off date issued by the first respondent in Na.Ka.No.15867/D2/2018, dated 12.02.2021 and quash the same as illegal and consequently direct the first respondent to permit the petitioner to participate in certificate verification which is to be held on 17.02.2021 and 18.02.2021.

For Petitioner : Mr.K.P.Sankarakumarakuruparan
For Respondents : Mrs.J.Padmavathi Devi
Special 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. Though the petitioner has sought for issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent in Na.Ka.No.15867/D2/2018, dated 12.02.2021, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 15.02.2021 given by the petitioner, is directed to be considered by the respondents within a stipulated time



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 first respondent herein to consider the petitioner's representation dated 15.02.2021, 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 15.02.2021, 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 petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Higher Education Department,
Chennai 600 006.

2.The Regional Joint Director,
Regional Joint Director Office,
Higher Education Department,
Madurai.

3.The Principal,
Government Arts and Science College,
Andipatti,
Theni District.

+1 CC to M/s.K.P.SANKARAKUMARA KURUPAN, Advocate (SR-5461
[F] dated 16/02/2021)

W.P. (MD) No.3078 of 2021

and

W.M.P. (MD) .No.2456 of 2021

16.02.2021

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SRK(CO)

KK(17.02.2021) 3P 5C