



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4478 of 2021

Dr.I.Preetha

...Petitioner

Vs.

1.The Manonmaniam Sundaranar University,
rep. by its Registrar,
Abishekapatti, Tirunelveli - 627 012.

2.The Secretary,
S.T.Hindu College, Nagercoil,
Kanniyakumari District - 629 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent University to approve the qualification of petitioner to the Post of Assistant Professor in Tamil in the 2nd respondent college namely S.T.Hindu College, Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.M.Mahaboob Athiff for R1
for M/s.Ajmal Associates

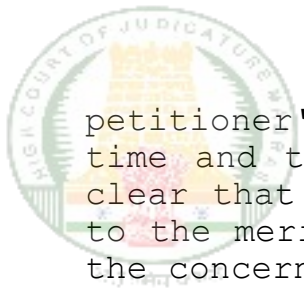
O R D E R

By consent of the parties available, this writ petition is taken up for final disposal at the stage of admission itself. By considering the nature of the prayer sought for in the present writ petition, notice to the second respondent is dispensed with.

2.Since the petitioner's request to the respondents to approve the qualification of petitioner to the Post of Assistant Professor in Tamil in the 2nd respondent college, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 02.02.2021, 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 first respondent herein to consider the



petitioner's representation dated 02.02.2021, 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.

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5.The learned Standing Counsel appearing for the first respondent would submit that the first respondent is willing to dispose of the representation made by the petitioner, within a period of one week.

6.Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation, dated 02.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of a copy of this order.

7. 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.*

TO

1.The Registrar,
The Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.

2.The Secretary,
S.T.Hindu College, Nagercoil,
Kanniyakumari District - 629 002.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-9079
[F] dated 05/03/2021)

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04.03.2021

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