



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.5238 of 2021

and W.M.P. (MD) .No.4195 of 2021

- 1.Marimuthu
2.K.Kannaiah
3.A.Arumugam
4.Thairaiyaraj
5.S.Muniasamy
6.K.Sivakumar
7.R.Velmurugan
8.M.Kannan
9.S.Paramasivam
10.M.Periya Udaiyar
11.S.Thirumurugan
12.K.Rasamani
13.N.Kalaiselvi
14.V.Krishnaveni
15.Murugan
16.Annadurai

...Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Backward Classes,
Most Backward Classes, De-notified Communities and
Minorities Welfare Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary and Commissioner,
Backward Classes, Most Backward Classes Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 009.
- 3.The Commissioner/Director,
Backward and Minorities Welfare Board,
St. George Fort,
Chennai.
- 4.The District Backward and Minorities Welfare Officer,
District Backward and Minorities Welfare Office,
Ramanathapuram District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to appoint the petitioners as cook in the placements, which they were presently working by absorbing their initial appointment as Sweeper and consequently direct the respondents to consider the representation, dated 22/02/2021, within a stipulated time period in accordance with law.



For Petitioners : Mr.M.Ramesh
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 petitioners' request to the respondents to appoint the petitioners as cook in the placements, which they were presently working by absorbing their initial appointment as Sweeper, was not considered, the Writ Petition has been filed. According to the petitioner, they have made a representation in this regard on 22.02.2021, 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 petitioners' representation dated 22.02.2021, 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 petitioners' representation dated 22.02.2021, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

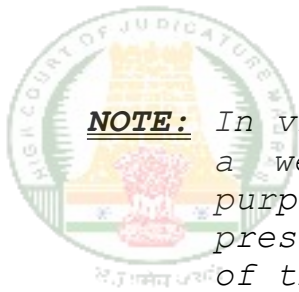
Sd/-

Assistant Registrar (records)

// 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.

WEB COPY

To

- 1.The Secretary to Backward Classes,
The Government of Tamil Nadu,
Most Backward Classes, De-notified Communities and
Minorities Welfare Department, Secretariat, Chennai - 600 009.
- 2.The Principal Secretary and Commissioner,
Backward Classes, Most Backward Classes Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 009.
- 3.The Commissioner/Director,
Backward and Minorities Welfare Board,
St. George Fort,
Chennai.
- 4.The District Backward and Minorities Welfare Officer,
District Backward and Minorities Welfare Office,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-10894[F] dated 12/03/2021)

W.P. (MD) No.5238 of 2021
11.03.2021

TP (CO)
KB(08.04.2021) 3P 6C