



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4926 of 2021

S.Pradeep

...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,
N.V.K.S.D. College of Education,
Attoor, Kanniyakumari District - 629 191.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to approve the petitioners appointment as Gardener in the 3rd Respondent College in the sanctioned vacancy caused by the promotion of Mr.M.S.Sreekumar with effect from 28.12.2009 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 WP(MD).No.1234/2014, dated 24/02/2015, in WA(MD).No.931/2018, dated 12/07/2018, and in Special Leave petition SLP.No.323/2019, 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.

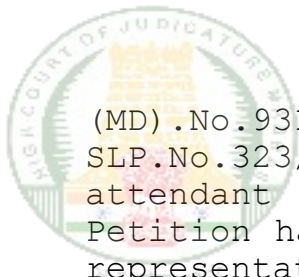
For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mr.S.Dayalan for R1 & R2
Government Advocate

ORDER

Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with. By consent of available 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 the petitioners appointment as Gardener in the 3rd Respondent College in the sanctioned vacancy caused by the promotion of Mr.M.S.Sreekumar with effect from 28.12.2009 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 WP(MD).No.1234/2014, dated 24/02/2015, in WA



(MD).No.931/2018, dated 12/07/2018, and in Special Leave petition SLP.No.323/2019, dated 18/01/2019 with monetary and all other attendant and service benefits, 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.

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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 and second respondents 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 first and second respondents 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 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 (Crl Side)

// 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

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



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.E.MARTIN JEYAKUMAR, Advocate (SR-10408[F] dated
11/03/2021)

W.P. (MD) No.4926 of 2021
09.03.2021

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