



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5142 of 2021

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...Petitioner

Vs.

1.The Joint Registrar/Chairman,
District Recruitment Bureau,
O/o. The Joint Registrar of Co-operative Societies,
No.39, PTR Naidu Street, 1st Floor,
Thoothukudi,
Thoothukudi District.

2.The Controller of Examinations,
District Recruitment Bureau,
O/o. The Joint Registrar of Co-operative Societies,
No.39, PTR Naidu Street, 1st Floor,
Thoothukudi,
Thoothukudi District.

3.The Joint Registrar,
Central Cooperative Bank,
No.109/5D, Ettayapuram Road,
Thoothukudi,
Thoothukudi District.

4.The Deputy Registrar,
Primary Agricultural Co-operative Credit Society,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner for selection and appointment to the post of Assistant/Clerk in Cooperative Institutions in Thoothukudi District (Other than Thoothukudi District Central Cooperative Bank) in the light of the vacancies reserved for Scheduled Caste, Women Category and PSTM category (Persons studied in Tamil Medium based on the petitioner's application dated 30.03.2020 within the time frame that may be stipulated by this Court.

For Petitioner
For Respondents

: Mr.R.Murugan
: 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 petitioner's request to the respondents to consider him for selection and appointment to the post of Assistant/Clerk in Co-operative Institutions in Thoothukudi District (Other than Thoothukudi District Central Cooperative Bank) in the light of the vacancies reserved for Scheduled Caste, Women Category and PSTM category based on her application dated 30.03.2020 was not considered, the Writ Petition has been filed.

3. It is needless to point out that whenever a representation/application 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/application 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 1 and 2 herein to consider the petitioner's request based on the application dated 30.03.2021, 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 1 and 2 to consider the petitioner's request based on the application dated 30.03.2021 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.

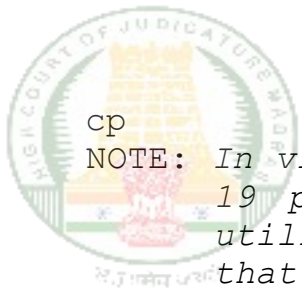
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



cp

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

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+1 CC to M/s.SPL GP (SR-10597[F] dated 11/03/2021)

W.P. (MD) No.5142 of 2021
10.03.2021

RK (24.04.2021) 3P 6C