



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6017 of 2021

WEB COPY

Arumugam Pillai Seethai Ammal College,
Rep. by its Secretary,
Mr.N.Arumugarajan

...Petitioner

Vs.

1.The Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Regional Joint Director Collegiate Education,
Madurai Region,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to approve and permit the petitioner college to fill up the sanctioned post of 12 non-teaching staffs viz., Sweeper-5, Gardener-1, Watchman-2, Waterman-1, Scavenger-2 and Marker-1 in the sanctioned vacancies in the petitioner's college 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 W.P(MD) No.1234 of 2014 dated 24.02.2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the proposal and representation given by the petitioner college dated 03.11.2020 & 29.12.2020.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.P.Kannithevan

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 approve and permit the petitioner college to fill up the sanctioned post of 12 non-teaching staffs viz., Sweeper-5, Gardener-1, Watchman-2, Waterman-1, Scavenger-2 and Marker-1 in the sanctioned vacancies in the petitioner's collegiate Education was not



considered, the Writ Petition has been filed. According to the petitioner, he has sent the proposal and representation in this regard on 03.11.2020 and 29.12.2020, which are 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 second respondent to consider the petitioner's proposal and representation dated 03.11.2020 and 29.12.2020, 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 second respondent to consider the petitioner's proposal and representation dated 03.11.2020 and 29.12.2020, 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(CS-III)

// 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.



To

1.The Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Regional Joint Director Collegiate Education,
Madurai Region,
Madurai.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-12321[F] dated
18/03/2021)

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18.03.2021

ns (CO)

TR(26.03.2021) 3P 4C