



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P. (MD) No.5286 of 2021

Dr.J.Giftlin Iyadurai

...Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
Thirunelveli Region, Thirunelveli.

3.The Secretary-cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam, Kanyakumari 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 herein to approve the petitioner's appointment as Assistant Professor in English in the third respondent College, in the sanctioned Retirement vacancy of Dr.Rohini Thilakavathy Thomas with effect from 20.01.2020 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran-Vs-the State of Tamil Nadu dated 11.10.2013 in SLP.No.887 of 2015 dated 29.01.2019 and the approval given by the respondents to the similarly placed persons like Dr.W.Shiney Sarah Lionel and three other vide proceedings in Na.Ka.No.15202/F2/2019 dated 30.04.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.02.2020.

For Petitioner : Mr.S.Balamurugan

For R-1 and R-2 : Mrs.J.Padmavathi Devi
Special 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. Since no adverse order is going to be passed against the third respondent, notice to them is dispensed with.

2.Since the petitioner's request to the respondents to
<https://hcservices.ecourts.gov.in/hcservices/>



approve his appointment as Assistant Professor in English in the third respondent College, in the sanctioned Retirement vacancy of Dr.Rohini Thilakavathy Thomas with effect from 20.01.2020 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 04.02.2020, 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 second respondent herein to consider the petitioner's representation dated 04.02.2020, 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 representation dated 04.02.2020, 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.

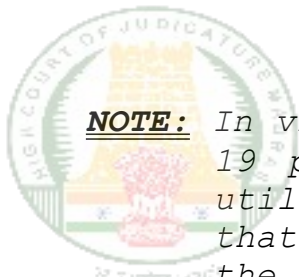
Sd/-

Assistant Registrar (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.

WEB COPY

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To

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

2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-10406[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10567[F] dated 11/03/2021)

**W.P. (MD) NO.5286 OF 2021
10.03.2021**

GS(22.03.2021) 3P 5C