



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) Nos. 4934, 4937 to 4940, 4942 & 4943 of 2020

and W.M.P. (MD) Nos. 4773, 4775 to 4780 of 2020

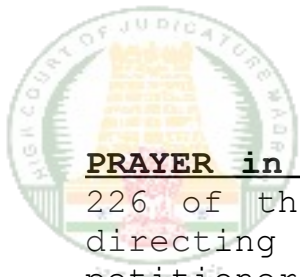
(Through Video Conference)

M.Thirumalaichamy	... Petitioner in W.P. (MD) No.4934 of 2020
R.R.Venkatesh	... Petitioner in W.P. (MD) No.4937 of 2020
B.Marimuthu	... Petitioner in W.P. (MD) No.4938 of 2020
T.Ratha	... Petitioner in W.P. (MD) No.4939 of 2020
B.Parameswari	... Petitioner in W.P. (MD) No.4940 of 2020
R.Utamapriya	... Petitioner in W.P. (MD) No.4942 of 2020
P.Muraliarasan	... Petitioner in W.P. (MD) No.4943 of 2020

Vs

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006
 2. The Joint Director of Collegiate Education,
O/o the Joint Director of Collegiate Education,
Palam Station Road, Sellur,
Opposite to Ganapathy Silks,
Madurai 625 002
- ... Respondents in all W.P's

PRAYER in W.P. (MD) No.4934 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of Assistant Professor in History on completion of two years from the date of his appointment and to provide all consequential benefits within the time period stipulated by this Court.



PRAYER in W.P. (MD) No.4937 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of Office Assistant on completion of one year from the date of his appointment and to provide all consequential benefits within the time period stipulated by this Court.

PRAYER in W.P. (MD) No.4938 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of Assistant Professor in English on completion of two years from the date of his appointment and to provide all consequential benefits within the time period stipulated by this Court.

PRAYER in W.P. (MD) No.4939 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of Office Assistant on completion of one year from the date of her appointment and to provide all consequential benefits within the time period stipulated by this Court.

PRAYER in W.P. (MD) No.4940 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of typist on completion of two years from the date of her appointment and to provide all consequential benefits within the time period stipulated by this Court.

PRAYER in W.P. (MD) No.4942 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of Assistant Professor in Economics on completion of two years from the date of her appointment and to provide all consequential benefits within the time period stipulated by this Court.

PRAYER in W.P. (MD) No.4943 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to declare the probation of the petitioner in the post of Assistant Professor in English on completion of two years from the date of his appointment and to provide all consequential benefits within the time period stipulated by this Court.



In all W.P.'s:

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Mahendran,
Additional Government Pleader

C O M M O N O R D E R

Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

2. Since the petitioners' request to the respondents to declare the probation was not considered, these Writ Petitions have been filed. According to the petitioners, they have made representations in this regard on 25.02.2020, 17.02.2020, 12.02.2020, 13.01.2020, 16.10.2019 respectively, 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 herein to consider the petitioners' representations dated 25.02.2020, 17.02.2020, 12.02.2020, 13.01.2020, 16.10.2019 respectively, 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 petitioners' representation dated 25.02.2020, 17.02.2020, 12.02.2020, 13.01.2020, 16.10.2019 respectively, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



6. With the above direction, these Writ Petition stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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,
DPI Campus, College Road,
Chennai -600 006

2. The Joint Director of Collegiate Education,
O/o the Joint Director of Collegiate Education,
Palam Station Road, Sellur,
Opposite to Ganapathy Silks,
Madurai -625 002

+9 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-3003[F] dated 03/02/2021)

+1 CC to SGP (SR-3345, 3344, 3346, 3347, 3348, 3349 and 3350[F] dated 04/02/2021)

Common Order made in
W.P. (MD) Nos. 4934, 4937 to 4940,
4942 & 4943 of 2020

Dated:
02.02.2021

KM (16.03.2021) 4P 13C