



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.5795 of 2021

S.Mohan

...Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,  
Thanjavur Region,  
Rajas Sarfoji Govt. College Campus,  
Thanjavur - 613 005.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the petitioner the salary from the month November 2020 onwards and other benefits like Pongal Benefits, Quarterly increments, Provident Fund advance and in future also by considering our representation dated 02.02.2021 and pass order on merits and in accordance with law, within the period that may be stipulated by this Court.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.M.Jerin Mathew           |
| For Respondent | : 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 pay the petitioner the salary from the month November 2020 onwards and other benefits like Pongal Benefits, Quarterly increments, Provident Fund advance, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 02.02.2021, 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 first respondent herein to consider the petitioner's representation dated 02.02.2021, 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 first respondent to consider the petitioner's representation dated 02.02.2021, 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, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ( )

// 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,  
EVK Sampath Building, College Road,  
Chennai - 600 006.

2. The Joint Director of Collegiate Education,  
Thanjavur Region,  
Rajas Sarfoji Govt. College Campus,  
Thanjavur - 613 005.

+1 CC to M/s.M.E.ILANGO, Advocate ( SR-11651[F] dated 17/03/2021 )

+1 CC to M/s.SPL GP ( SR-11994[F] dated 17/03/2021 )

W.P. (MD) No.5795 of 2021  
16.03.2021

SE (CO)

KB (19.04.2021) 2P 5C

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