



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5834 of 2021

WEB COPY

J.Agilandeswary

...Petitioner

Vs.

1.Government of Tamil Nadu

rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 9.

2.The Member-Secretary,

Tamil Nadu State Council for Higher Educational
Lady Willingdon College Campus,
Kamarajar Salai, Triplicane,
Chennai - 5.

3.The Secretary,

Department of School Education,
Government of Tamil Nadu
Fort St. George, Chennai - 9.

4.The Secretary,

Teachers Recruitment Board,
DPI Campus,
Chennai - 6.

5.The Director of School Education,

DPI Campus,
Chennai - 6.

6.The Chief Educational Officer,

Dindigul District,
Dindigul.

7.The District Educational Officer,

Palani Educational District,
Palani.

8.The Headmaster,

Govt. Higher Secondary School
Pappampatti, Dindigul District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to submit the report to the 1st respondent regarding equivalence of BA English and MA English degrees awarded by Puducherry University, directing the 1st respondents to issue orders regarding equivalence of the petitioner above degrees and directing the respondents 3 to 8 to issue orders declaring that she has successfully completed her probation in the post of Graduate Assistant English with effect from 19-06-2014 with all consequential benefits, within a specified time frame as may be fixed by this Court.

For Petitioner : Ajayghouse for
Mr.S.Arunachalam

For Respondents : Mr.N.Shanmugaselvam for RR1 to 3, 5 to 8
Additional Government Pleader
Mr.V.R.Shanmuganathan for R4
Standing Counsel

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 submit the report to the 1st respondent regarding equivalence of BA English and MA English degrees awarded by Puducherry University, directing the 1st respondents to issue orders regarding equivalence of the petitioner above degrees and directing the respondents 3 to 8 to issue orders declaring that she has successfully completed her probation in the post of Graduate Assistant English with effect from 19-06-2014 with all consequential benefits, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 28.02.2020, 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 respondents 1 and 2 herein to consider the petitioner's representation dated 28.02.2020, 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 respondents 1 and 2 to consider the petitioner's representations dated 28.02.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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-II)

// 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. Government of Tamil Nadu
rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 9.

2. The Member-Secretary,
Tamil Nadu State Council for Higher Educational
Lady Willingdon College Campus,
Kamarajar Salai, Triplicane,
Chennai - 5.



- 3.The Secretary,
Department of School Education,
Government of Tamil Nadu
Fort St. George, Chennai - 9.
- 4.The Secretary,
Teachers Recruitment Board,
DPI Campus,
Chennai - 6.
- 5.The Director of School Education,
DPI Campus,
Chennai - 6.
- 6.The Chief Educational Officer,
Dindigul District,
Dindigul.
- 7.The District Educational Officer,
Palani Educational District,
Palani.
- 8.The Headmaster,
Govt. Higher Secondary School
Pappampatti, Dindigul District.

W.P. (MD) No.5834 of 2021

16.03.2021

GS (21.04.2021) 4P 9C