



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.6151 of 2021

and W.M.P. (MD) .Nos.4779 & 4780 of 2021

WEB COPY

Selvarani

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

4.Saranya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the selection and appointment of the 4th respondent as illegal and consequently direct the 1 to 3 respondents to appoint the petitioner to the post of Village Assistant in the vacancy arose at Pandrimalai Village by considering the representation of the petitioner, dated 04.03.2021.

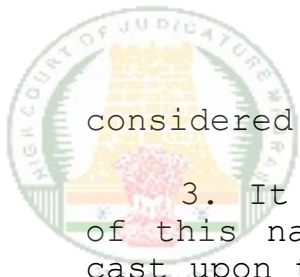
For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.Muthukaruppan for R1 to R3
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.This writ petition has been filed by the petitioner to issue a Writ of Declaration, declaring the selection and appointment of the 4th respondent as illegal and consequently direct the 1 to 3 respondents to appoint the petitioner to the post of Village Assistant in the vacancy arose at Pandrimalai Village. According to the petitioner, he has made a representation in this regard on 04.03.2021, which is still pending. Though the petitioner has filed this writ petition for issuance of Writ of Declaration, the learned counsel for the petitioner would submit that the petitioner will be satisfied, if the representation of the petitioner is directed to be



considered within a stipulated time.

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 04.03.2021, 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 04.03.2021, 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, after giving due opportunity to the fourth respondent herein to raise her objections.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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 District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-12631[F] dated
22/03/2021)

+1 CC to M/s.SPL GP (SR-12753[F] dated 22/03/2021)

W.P. (MD) No.6151 of 2021
19.03.2021

RK (21.04.2021) 3P 6C

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