



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6061 of 2021

WEB COPY

Dr.S.Samuel Ravi

...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.

... 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 to approve the petitioner's appointment as Assistant Professor in Economics in the third respondent College, in the sanctioned Retirement vacancy of Dr.S.Linsa Retnalal with effect from 03.07.2014 in the light of the order 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 first respondent to the similarly placed persons who appointed along with the petitioner Dr.T.Thambi Dharmaraj Gururpatham & Dr.G.M.Sundar Singh vide proceedings in Na.Ka.No.24810/F2/2015 dated 20.10.2015 and Na.Ka.No.20756/F2/2018 dated 03.04.2019 with monetary and all other attendant and service benefits based on the Review Petition given by the petitioner dated 29.12.2020.

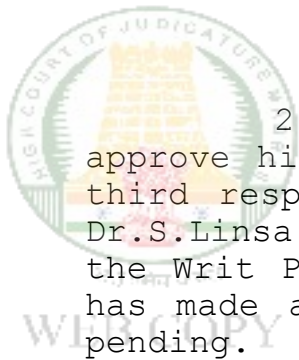
For Petitioner : Mr.S.Balamurugan

For R-1 and R-2 : Mr.P.Mahendran

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. 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 approve his appointment as Assistant Professor in Economics in the third respondent College, in the sanctioned Retirement vacancy of Dr.S.Linsa Retnalal with effect from 03.07.2014 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a petition in this regard on 29.12.2020, which is still pending.

3. It is needless to point out that whenever a representation/petition 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/petition 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 petition dated 29.12.2020, 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 first respondent to consider the petitioner's petition dated 29.12.2020, 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(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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.

<https://hcservices.ecourts.gov.in/hcservices/>



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-12322[F] dated
18/03/2021)

+1 CC to M/s.SPL GP (SR-12494[F] dated 19/03/2021)

W.P. (MD) No.6061 of 2021
18.03.2021

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