



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6171 of 2021

K.B.Rajesh Kumar

...Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

3.The Secretary - cum - Correspondent,
Scott Christian College,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to approve the petitioner's appointment as Gardener in the 3rd respondent College in the sanctioned vacancy caused by the retirement of Mr.Ponniah with effect from 13.10.2016 in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide proceedings Pa.Mu.No.4874/A2/2013, dated 28.08.2019 in W.P.(MD).No.1234 of 2014, dated 24.02.2015 in W.A.(MD).No.931 of 2018, dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019, dated 18.01.2019, with monetary and another attendant and service benefits based on the representation of the petitioner, dated 08.11.2016 & 11.11.2019.

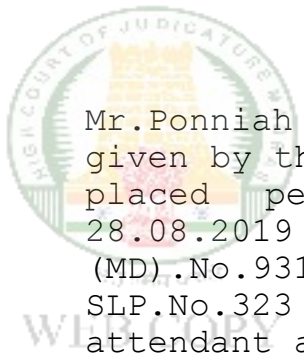
For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.P.Mahendran for R1 and R2
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 the petitioner's appointment as Gardener in the 3rd respondent College in the sanctioned vacancy caused by the retirement of



Mr.Ponniah with effect from 13.10.2016 in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide proceedings Pa.Mu.No.4874/A2/2013, dated 28.08.2019 in W.P.(MD).No.1234 of 2014, dated 24.02.2015 in W.A.(MD).No.931 of 2018, dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019, dated 18.01.2019, with monetary and another attendant and service benefits was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representations in this regard on 08.11.2016 & 11.11.2019, 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 herein to consider the petitioner's representation dated 11.11.2019, 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 to consider the petitioner's representation dated 11.11.2019, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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-III)

// 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 Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
- 3.The Secretary - cum - Correspondent,
Scott Christian College,
Nagercoil.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-12603[F] dated 19/03/2021)

+1 CC to M/s.SPL GP (SR-12745[F] dated 22/03/2021)

W.P. (MD) No.6171 of 2021
19.03.2021

PM(CO)
TR(19.04.2021) 3P 6C