



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6383 of 2021

WEB COPY

Dr.Zakir Husain College
Rep by its Secretary,
Mr.v.M.Jafarulla Khan

...Petitioner

Vs.

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

2.The Regional Joint Director Collegiate Education,
Madurai Region,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner College dated 23.10.2019 & 15.12.2020 seeking sanction of revival of 3 posts in Tamil Department in the light of the sanction given by the first respondent vide proceedings Na.Ka.No.38804/G4/2018 dated 23.11.2018, within a time to be stipulated by this Court.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : 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 sanction of revival of 3 posts in Tamil Department in the light of the sanction given by the first respondent vide proceedings in Na.Ka.No.38804/G4/2018 dated 23.11.2018 was not considered, the Writ Petition has been filed. According to the petitioner College, the Secretary has made the representations in this regard on 23.10.2019 and 15.12.2020, which are 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 College representations dated 23.10.2019 and 15.12.2020, 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 College representations dated 23.10.2019 and 15.12.2020, 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 ()

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

2.The Regional Joint Director Collegiate Education,
Madurai Region,
Madurai.

+1 CC to M/s.E.MARTIN JAYA KUMAR, Advocate (SR-13025[F] dated
23/03/2021)

+1 CC to M/s.SPL GP (SR-13385[F] dated 24/03/2021)

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GS (20.04.2021) 3P 5C