



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7020 of 2021

and W.M.P. (MD) .Nos.5383 & 5384 of 2021

WEB COPY

- 1.T.Sarathkumar
- 2.S.Azhagu Murugan
- 3.N.Yogapandian
- 4.R.Prakash
- 5.A.Jeeva
- 6.Sathishkumar
- 7.K.Azhagu Murugan
- 8.P.Gopinath
- 9.S.Muthuraj
- 10.G.Muthupandi
- 11.K.Ganesan
- 12.P.Muthukumar

...Petitioners

Vs.

- 1.The Chief Engineer (Personnel)
TANGEDCO,
Chennai.

- 2.The Superintending Engineer,
Theni Electricity Distribution Circle,
N.R.T.Nagar, Main Road,
Theni - 625 531.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ Certiorarified Mandamus, calling for the records relating to the impugned tentative merit list of candidates published by the 1st respondent in the website, dated 23.02.2021 and quash the same insofar as omitting the names of petitioners and for wrongly including the names of candidates securing lesser mark than the petitioners and zero '0' mark obtained candidates and consequently direct the respondents herein to prepare and publish a fresh tentative merit list of selected candidates with seniority on the basis of marks obtained and considering the petitioners under the Tamil Medium studied quota for appointment as Gangman (Trainee) under the direct recruitment as per Notification No.1 of 2019, dated 07.03.2019.

For Petitioners	: Mr.K.Appadurai
For Respondents	: Mr.Anand Gopalan for M/s.T.S.Gopalan & Co. 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. Though the petitioner has sought for issuance of a writ of Certiorarified Mandamus, to quash the impugned tentative merit list of candidates published by the 1st respondent in the website, dated 23.02.2021 insofar as omitting the names of petitioners and for wrongly including the names of candidates securing lesser mark than the petitioners and zero '0' mark obtained candidates and direct the respondents herein to prepare and publish a fresh tentative merit list of selected candidates with seniority on the basis of marks obtained and considering the petitioners under the Tamil Medium studied quota for appointment as Gangman (Trainee) under the direct recruitment as per Notification No.1 of 2019, dated 07.03.2019, the learned counsel for the petitioners would submit that they would be satisfied if the representations dated 25.02.2021 given by the petitioner, is directed to be considered by the respondents 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 25.02.2021, 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 25.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// 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.

TM

TO,
The Chief Engineer(Personnel)
TANGEDCO,
Chennai.

2.The Superintending Enginner,
Theni Electricity Distribution Circle,
NRT.Nagar, Main Road,
Theni-625531.

1 CC to M/s.T.S.GOPALAN, Advocate (SR-14048[F] dated 29/03/2021)

+1 CC to M/s.K.APPADURAI, Advocate (SR-14065[F] dated 29/03/2021)

W.P. (MD) No.7020 of 2021
29.03.2021

GS(20.04.2021) 3P 5C