



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7278 of 2021

M.Vinothkumar

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Personal and Administrative Reforms Department,
Fort St. George, Chennai - 600 009.
- 2.The Tamil Nadu Public Service Commission,
rep. by its Secretary,
V.O.C. Nagar, Park Down,
Chennai - 600 003.
- 3.The Additional Chief Secretary to Government,
Revenue and Disaster Management,
Fort St. George, Chennai - 600 009.
- 4.The Commissioner for Revenue Administration and Disaster
Management, Chepauk, Chennai - 600 005.
- 5.The District Collector,
Sivagangai District - 630 561.
- 6.The District Revenue Officer,
Sivagangai District - 630 561.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-fixation of seniority list of Revenue Assistants based on the marks / ranks scored by the petitioner in the CSSE-1 Examinations - 2009-2011 conducted by the Tamil Nadu public Service Commission and promote the petitioner to the post of Deputy Thasildar with all monitory attendant benefits based on the petitioners mark / rank, in the light of the judgments rendered by our Hon'ble High Court in N.Santhosh Kumar and others vs. Tamilnadu Public Commission and others, dated 31/03/2015, reported in (2015) 4 MLJ 281 and in WP.No.998/2017, K.Raja and Others vs The Additional Cheif Secretary and Others, Dated 15/11/2019, and on the basis of the petitioner's representation, dated 11.09.2020.



For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

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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 re-fix the seniority list of Revenue Assistants based on the marks / ranks scored by the petitioner in the CSSE-1 Examinations - 2009-2011 conducted by the Tamil Nadu public Service Commission and promote the petitioner to the post of Deputy Thasildar with all monitory attendant benefits based on the petitioners mark / rank, in the light of the judgments rendered by our Hon'ble High Court in N.Santhosh Kumar and others vs. Tamilnadu Public Commission and others, dated 31/03/2015, reported in (2015) 4 MLJ 281 and in WP.No.998/2017, K.Raja and Others vs The Additional Cheif Secretary and Others, Dated 15/11/2019, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 11.09.2020, 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 fourth respondent herein to consider the petitioner's representation dated 11.09.2020, 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 fourth respondent to consider the petitioner's representation dated 11.09.2020, 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(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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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- 5.The District Collector,
Sivagangai District - 630 561.
- 6.The District Revenue Officer,
Sivagangai District - 630 561.

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-14785[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-14990[F] dated 01/04/2021)

W.P. (MD) No.7278 of 2021

31.03.2021

sss(CO)