



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7453 of 2021

and

W.M.P (MD) No.5631 of 2021

V.Tamilarasi

... Petitioner

Vs

1.The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Technical Education,
Government of Tamil Nadu,
Guindy,
Chennai-600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's name for promotion to the regular H.O.D post on the basis of representations dated 31.10.2018 and 20.02.2021 in the Department of Electronics and Communication Engineering (ECE) in the Government Polytechnic College.

For Petitioner : Mr.J.Sanjey Vignesh

For Respondents : Mr.A.Muthukaruppan

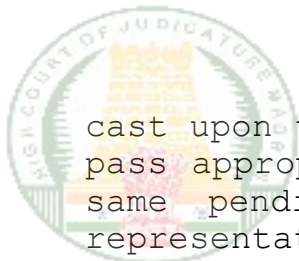
Additional Government Pleader

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 consider his name for promotion to the regular H.O.D post in the Department of Electronics and Communication Engineering (ECE) in the Government Polytechnic College was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 31.10.2018 and 20.02.2021, which is still pending.

3. It is needless to point out that whenever a representation 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 second respondent herein to consider the petitioner's representations dated 31.10.2018 and 20.02.2021, 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 second respondent to consider the petitioner's representations dated 31.10.2018 and 20.02.2021, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// 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.



1.The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Technical Education,
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+1 CC to M/s.J.SANJEY VIGNESH, Advocate (SR-15211[F] dated
01/04/2021)

+1 CC to M/s.SPL GP (SR-15331[F] dated 07/04/2021)

W.P. (MD) No.7453 of 2021
01.04.2021

AK(26/02/2021) 3P 5C