



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) Nos.24973 and 24974 of 2018

V.Ganesh

...Petitioner

in W.P(MD).No.24973/2018

S.Nandhini

...Petitioner

in W.P(MD).No.24974/2018

Vs.

1.The State of Tamilnadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai- 600 006.

3.The Director of Most Backward Classes
&De-notified Communities,
Chepauk, Chennai- 600 005.

4.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampathi Maligai,
DPI Campus, College Road,
Chennai- 600 006.

... Respondents in both cases

PRAYER in W.P. (MD).No.24973 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.07.2018 favourably and appoint the petitioner as P.G. Assistant in Tamil in School Education Department based on merit in the selection under GT category, pursuant to the Notification issued by the fourth respondent Notification/Adv.No.03/2017,dated 09.05.2017, with all consequential and other attendant benefits including seniority based on merits in selection, within a time frame to be fixed by this Court.

PRAYER in W.P. (MD).No.24974 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.07.2018 favourably and appoint the petitioner as P.G. Assistant in Commerce in School Education Department based on merit in the selection under MBC/DNCG category, pursuant to the Notification issued by the fourth respondent



Notification/Adv.No.03/2017, dated 09.05.2017, with all consequential and other attendant benefits including seniority based on merits in selection, within a time frame to be fixed by this Court.

In both cases:

For Petitioner : Mr.G.Sankaran
For Respondents 1 to 3 : Mr.A.Thiyagarajan
Government Advocate
For Respondent No.4 : Mr.VR.Shanmuganathan

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself. Since the issue involved in these writ petitions are one and the same, these writ petitions are disposed of by way of common order.

2. Since the petitioners' request to the respondents to grant appointment to the petitioners in the post of P.G. Assistant in Commerce in School Education Department based on merit in the selection under GT category and P.G. Assistant in Tamil in School Education Department based on merit in the selection under MBC/DNCG category respectively, was not considered, these Writ Petitions have been filed. According to the petitioners, they have made representations in this regard on 09.07.2018 and 10.07.2018 respectively, 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 fourth respondent herein to consider the petitioners' representation dated 09.07.2018 and 10.07.2018, 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 petitioners' representation dated



09.07.2018 and 10.07.2018, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// 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

1.The Principal Secretary to Government,
The State of Tamilnadu,
School Education Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai- 600 006.

3.The Director of Most Backward Classes &De-notified Communities,
Chepauk,
Chennai- 600 005.

4.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampathi Maligai,
DPI Campus, College Road,
Chennai- 600 006.

+2 CC to M/s.F.DEEPAAK, Advocate (SR-4995[F] dated 15/02/2021)

+1 CC to M/s.SPL GP (SR-5135[F] dated 15/02/2021)

W.P.(MD) Nos.24973 and 24974 of 2018
12.02.2021

KUN(CO)

KB(26.02.2021) 3P 8C

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