



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26440 of 2019
and
W.M.P. (MD) .No.22857 of 2019

S.Mekala

... Petitioner

Vs.

The Madurai Kamaraj University,
represented by its Registrar,
Palkalai Nagar,
Madurai,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to allow the petitioner to join duty as Computer Programmer on par with teaching faculty in the Department of Computer Science / Centre at respondent University and pay the monetary benefits notionally w.e.f. April 2006, in the light of the order passed by the respondent in his proceedings No.S.O/S1/CP/2009, dated 18.02.2009, within the period that may be stipulated by this Court.

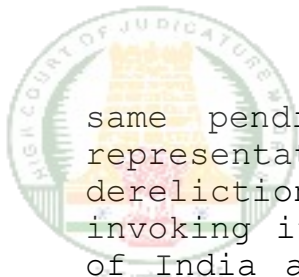
For Petitioner : Mr.M.Ajmal Khan
Senior counsel for M/s. Ajmal Associates

For Respondent : Mr.K.Ragathees Kumar
for M/s. Isaac Chambers

O R D E R

Since the petitioner's request to the respondent to allow the petitioner to join duty as Computer Programmer on par with teaching faculty in the Department of Computer Science / Centre at respondent University and pay the monetary benefits notionally w.e.f. April 2006 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 27.11.2019, which is still pending.

2. 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 respondent 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.

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3. In the light of the above observations, it would be appropriate to direct the respondent herein to consider the petitioner's representation dated 27.11.2019, 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.

4. Accordingly, there shall be a direction to the respondent to consider the petitioner's representation dated 27.11.2019, on its own merits and pass appropriate orders, in the light of the order passed by the respondent in his proceedings No.S.O/S1/CP/2009, dated 18.02.2009, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar

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

The Registrar,
The Madurai Kamaraj University,
Palkalai Nagar, Madurai, Madurai District.

+1CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5510[F] dated 17/02/2021
+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-5601[F] dated 17/02/2021)

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MS/27.02.2021/2P.4C

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