



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12608 of 2012

S.Saravanan

...Petitioner

Vs

1. The Teacher Selection Board,
Rep. by its State Commissioner,
D.P.I. Campus, 4th Floor,
E.V.K. Sampath Maligai,
College Road, Chennai - 600 006.

2. The Secretary to Government,
Department of Physically Challenged,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

3. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

4. The District Employment Officer,
District Employment Exchange,
Cuddalore District, Cuddalore N.T.

...Respondents

(R4 impleaded as per order dated
02.07.2012 in M.P.No.1/2012 in
W.P.No.12608/2012

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider and pass orders on merits pursuant to his representation dated 16.12.2011 within a time to be stipulated by this Court.

For Petitioner : Mr.V.Ramana Reddy

For R1 : Mr.C.Kathiravan

For R2 to R4 : Ms.Rajarajeswari,
Government Advocate



ORDER

The petitioner herein had given a representation to the first respondent on 16.12.2011, seeking appointment to the post of Elementary School Teacher under Physically Challenged category, as per G.O.Ms.No.16, Physically Challenged Welfare Department, dated 28.05.2010. Since the said representation was not considered, the present writ petition has been filed.

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 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.

3. Since the representation given by the petitioner dates back to the year 2011, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the first respondent herein to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the first respondent herein ventilating his grievances. On receipt of the same, the first respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

hvk



To

1. The State Commissioner,
The Teacher Selection Board,
D.P.I. Campus, 4th Floor,
E.V.K. Sampath Maligai,
College Road, Chennai - 600 006.
2. The Secretary to Government,
Department of Physically Challenged,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
4. The District Employment Officer,
District Employment Exchange,
Cuddalore District, Cuddalore N.T.

+1cc to Mr.C.Kathiravan, Advocate SR. No.8798
+1cc to Mr.V.Ramana Reddy, Advocate SR. No.8565
+1cc to Government Pleader SR. No.9201

W.P.No.12608 of 2012

MT (CO)
PR (08/03/2022)