



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8990 of 2011
and
M.P.No.1 of 2011

S.Vasudevan

...Petitioner

-Vs-

1. The Director of Collegiate Education,
College Road, Chennai - 600 006.
(R1 deleted as per order dated
10.07.2014 in MP.No.1/2012 in
W.P.No.8990 of 2011)
2. The Joint Director of
Collegiate Education,
Race Course Road, Coimbatore.
3. The Secretary,
Bishop Thorp College,
Ellis Nagar Post,
Dharampuram - 638 657.
4. R.Udhayakumar
5. S.Elangovan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to recognise the petitioner alone as Head of Department of Commerce and not to recognise fourth and fifth respondents or others as Head of the Department of Commerce.

For Petitioner : Mr.P.Premkumar

For R2 : Mr.Veluchamy,
Additional Government Pleader

For R3 to R5 : Mr.P.Ganesan
for M/s.C.C.Associates



ORDER

The petitioner herein had given representations to the third respondent on 11.09.2010 and to the first respondent on 04.10.2010 to the first respondent seeking to recognise him as the only Head of the Department of Commerce. Since the said representations were not considered, the present writ petition has been filed.

2. It is needless to point out that whenever representations of this nature are 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 representations given by the petitioner dates back to the year 2010, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the second respondent to consider the same, thereby securing the ends of justice.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second respondent, ventilating his grievances. On receipt of such a representation, the second respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of 6 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 it is open to the concerned respondent to consider it on its own merits.

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

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

hvk



To

The Joint Director of Collegiate Education,
Race Course Road, Coimbatore.

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W.P.No.8990 of 2011
and
M.P.No.1 of 2011

SSN (CO)
PR (07/03/2022)