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W.P.No.20455 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.20455 of 2016

K.Ayyappan

...Petitioner

Vs

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

2.The Director of Collegiate Education,
College Road, Chennai - 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 31.12.2015, keeping in view that that the petitioner has completed his probation in 2011 itself and promote the petitioner as Steno Typist Grade II, with all consequential service and monetary benefits w.e.f. 06.07.2011, in partial modification of Na.Ka.No.6582/B1/2015 dated 25.08.2015 issued by the 2nd respondent.

For Petitioner : Mr.B.Ravi



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For Respondents : Mr.M.Shahjahan,
Special Government Pleader

ORDER

The petitioner herein had given representations to the second respondent on 28.09.2015 and 31.12.2015 seeking promotion as Steno Typist Grade II together with all consequential service and monetary benefits. Since the said representations were 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. In the light of the above observations, it would be appropriate to



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direct the first respondent herein to consider the petitioner's representations within a stipulated time and thereby, the ends of justice could be secured.

4. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representations 28.09.2015 and 31.12.2015, in the light of G.O.Ms.No.34, Personnel and Administrative Reforms Department, dated 21.02.2001 and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. 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 disposed of.

No costs.

13.12.2022

Index:Yes/No
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M.S.RAMESH,J.

hvk

To

- 1.The Secretary,
Department of Higher Education,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai - 600 006.

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