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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.13550 OF 2022

Dr.R.S.Tibi Thomas

... Petitioner

Vs

1. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
2. The Regional Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
3. The Correspondent - Secretary,
Nesamony Memorial Christian College,
Marthandam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to approve and regularize the petitioner's appointment as Assistant Professor in English in the 3rd respondent college in the sanctioned retirement vacancy of Mr.P.Selvadhas with effect from 19.09.2003 to 29.07.2007 in the light of the approval given by the 1st respondent to the similarly placed person like Dr.N.Austin John Manohar in Na.Ka.No.35049/F2/2016 dated 27.07.2017 in W.P.No.26820 of 2016 dated 02.08.2016 with monetary, service and all other benefits for the said period based on the representation dated 08.06.2021 given by the petitioner.

For Petitioner	:	Mr.Selvi George
For R1 & R2	:	Mr.E.Veda Bagath Singh Special Government Pleader
For R3	:	Mr.E.Martin Jayakumar



ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

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2. The petitioner herein had given a representation to the respondents on 08.06.2021 to regularize the petitioner's appointment as Assistant Professor in English in the 3rd respondent college in the sanctioned retirement vacancy of Mr.P.Selvadhas with effect from 19.09.2003 to 29.07.2007 in the light of the approval given by the 1st respondent to the similarly placed person like Dr.N.Austin John Manohar in W.P.No.26820 of 2016 dated 02.08.2016 with monetary, service and all other benefits. Since the said representation was not considered, the present writ petition has been filed.

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, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 08.06.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pns/dua



To

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

2. The Regional Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

3. The Correspondent - Secretary,
Nesamony Memorial Christian College,
Marthandam.

W.P.No.13550 of 2022

PMK (CO)
RLP (17/06/2022)