



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.12220 of 2022

S.R.Ramprasanna

...Petitioner

Vs

The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to place the petitioner in Communal Rank 49 instead of 50 by considering the age seniority and also to publish reserve list in accordance with Section 27(1) of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016 for the Combined Engineering Subordinate Service Examination in Advertisement No.581 Notification No. 06/2021 by considering the petitioner's representation dated 22.05.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

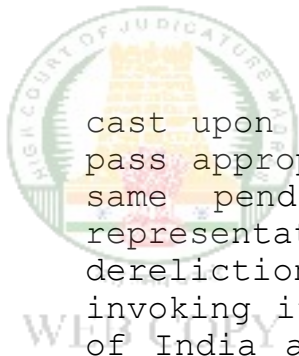
For Respondent : Mr.V.Panneerselvam,
Standing Counsel.

ORDER

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

2. The petitioner herein had given a representation to the respondent on 22.05.2022 seeking for placement in Communal Rank 49 instead of 50 by considering the age seniority and also to publish reserve list in accordance with Section 27(1) of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016 for the Combined Engineering Subordinate Service Examination in Advertisement No.581 Notification No. 06/2021. 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
<https://hcservices.ecourts.gov.in/hcservices/>



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.

4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 22.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 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 (T&P)

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/ /2022

Sub Assistant Registrar(CS)

Nsr

To

The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

+1 CC to M/s.V. PANNEER SELVAM, Advocate (SR-26358[F] dated 17/06/2022)

+1 CC to M/s.M. JERIN MATHEW, Advocate (SR-26925[F] dated 20/06/2022)

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MGJ(30.06.2022) 2P 4C