



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD) No. 12714 of 2022

D. Francis

... Petitioner

/vs./

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai-600 009.

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

3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

4. The Correspondent-Secretary,
Nazareth Margoschis College,
at Pillaiyanmanai,
Thoothukudi District-628 617.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to approve forthwith the appointment of the petitioner as Sweeper in the fourth respondent college and disburse the grant-in-aid towards his salaries and allowances with effect from 07.06.2021 i.e., from his date of appointment with all attendant benefits by considering the proposal submitted by the fourth respondent college, dated 29.10.2021 and the representation of the petitioner, dated 16.03.2022.

For Petitioner	:	Mr. T. Cibi Chakraborty
For R-1 to R-3	:	Mr. A. Kannan
		Additional Government Pleader

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 second respondent on 16.03.2022 seeking for appointment to the post of Sweeper in the fourth respondent college. 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 second respondent herein to consider the petitioner's representation dated 16.03.2022, as proposed by the fourth respondent on 29.10.2021, 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 //

/07/2022

Sub Assistant Registrar(CS)

btr

To

1.The Secretary,

The State of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai-600 009.

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

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

4.The Correspondent-Secretary,
Nazareth Margoschis College,
at Pillaiyanmanai,
Thoothukudi District-628 617.

+3 CC to M/s.A. RAJESH, Advocate (SR-27628[F] dated 23/06/2022)

+1 CC to M/s.SPL.GP (SR-27743[F] dated 23/06/2022)

W.P. (MD)No.12714 of 2022

22.06.2022

MGJ(01.07.2022) 2P 9C

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