



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.12946 of 2022

Hajee Karutha Rowther Howdia College,
Represented by its Secretary,
Hajee M.Dharvesh Mohideen

...Petitioner

Vs

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

2.The Regional Joint Director of Collegiate Education,
Madurai Region,
Madurai - 625 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to permit the petitioner college to fill up the sanctioned posts of 10 non-teaching staffs viz., Office Assistant-1, Watchman-2, Gardener-1, Sweeper-4, Waterman-1 and Marker-1 in the sanctioned vacancies in petitioner's College in the light of the order of this Hon'ble Court made in W.P.(MD).No.1234 of 2014 dated 24.02.2015 in W.A(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed the Hon'ble Apex Court in SLP.No.323 of 2019 dated 18.01.2019 by considering the proposal/representation given by the petitioner's College dated 16.05.2022 and to approve the said appointments.

For Petitioner : Mr.S.Balamurugan

For Respondents : 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 respondents on 16.05.2022 seeking for permission to fill up the sanctioned posts of 10 non-teaching staffs viz., Office Assistant-1, Watchman-2, Gardener-1, Sweeper-4, Waterman-1 and Marker-1 in the sanctioned vacancies in the petitioner's College in the light of the



order of this Court made in W.P.(MD).No.1234 of 2014 dated 24.02.2015 in W.A(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed the Hon'ble Apex Court in SLP.No.323 of 2019 dated 18.01.2019. Since the said representation was not considered, the present writ petition has been filed.

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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 first respondent herein to consider the petitioner's representation dated 16.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) 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(Crl.Side)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Nsr/TM

To

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

2.The Regional Joint Director of Collegiate Education,
Madurai Region,
Madurai - 625 002.



+1 CC to M/s.S. BNALAMURUGAN, Advocate (SR-27764[F] dated 23/06/2022)

+1 CC to M/s.SPL.GP (SR-28234[F] dated 27/06/2022)

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TP (CO)
KB (06.07.2022) 3P 5C