



W.P.(MD).No.13838 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.13838 of 2022

and

W.M.P.(MD).Nos.9832 and 9834 of 2022

Murugan

... Petitioner

Vs.

1.The Commissioner,
District Backward Classes and
Minorities Welfare Office,
Chennai.

2.The District Backward Classes and
Minorities Welfare Officer,
Theni District,
Theni.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in செ.மு.எண் அ5/2542/2019 dated 17.06.2022 and quash the same insofar as it relates to order of transfer alone.

For Petitioner : Mr.S.Vinayak

for Mr.S.Abuthaheer

For Respondents : Mr.G.Suriyananth,

Additional Government Pleader.



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Though the petitioner herein had challenged the order of transfer in the present Writ Petition, the learned counsel for the petitioner submitted that the petitioner had made a representation to the respondents on 22.06.2022 seeking for revocation of transfer and that he would be satisfied, if the respondents are directed to consider the representation within a stipulated time,.

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.



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4. In the light of the submission made by the learned counsel for the petitioner, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 22.06.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.07.2022

Index : Yes / No
Internet : Yes/ No
Lm/Vji

To

1.The Commissioner,
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Minorities Welfare Office,
Chennai.

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M.S.RAMESH, J.

Lm/Vji

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