



WP(MD)No.18250 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2022**

CORAM:

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

W.P.(MD)No.18250 of 2022

M.Nagarajan

... Petitioner

/vs./

1.State of Tamilnadu,
rep., by its Principal Secretary,
Department of Higher Education,
Fort St.George, Chennai -09.

2.The Registrar,
Madurai Kamaraj University, Madurai 21.

3.The Deputy Registrar,
Establishment Section I,
Madurai Kamaraj University, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to change the nomenclature to Superintendent from Messenger cum Peon for the petitioner from 01.04.2017 as fixed scale of pay equivalent to Superintendent and as per the representation of the petitioner to second respondent and fix a time frame by this Court.



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For Petitioner : Mr.R.Ramasamy
For Respondents : Mrs.D.Farjana Ghoshia
Special Government Pleader (for R1)
Mr.Mohamed Ashik Jamas
for M/s.Issac Chamber (for R2 & R3)

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 30.09.2020 seeking to change the nomenclature to Superintendent from Messenger cum Peon for the petitioner from 01.04.2017 as fixed scale of pay equivalent to Superintendent. 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



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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 30.09.2020 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

12.08.2022

Index : Yes / No

Internet : Yes / No

Rmk



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M.S.RAMESH, J.

Rmk

To

- 1.The Principal Secretary,
State of Tamilnadu,
Department of Higher Education,
Fort St.George, Chennai -09.
- 2.The Registrar,
Madurai Kamaraj University, Madurai 21.
- 3.The Deputy Registrar,
Establishment Section I,
Madurai Kamaraj University, Madurai.

Order made in
W.P.(MD) No.18250 of 2022

Dated:
12.08.2022