



W.P.(MD).No.19058 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.19058 of 2022

S.Alex Shelton

... Petitioner

Vs.

- 1.The Union of India Represented by its.,
The Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
- 2.The Staff Selection Commission Represented by its.,
The Chairman,
Block No.12,
CGO – Complex,
Lodhi Road,
New Delhi-110003.
- 3.The Regional Director,
Staff Selection Commission,
Southern Region,
2nd Floor, EVC Sampath Building,
DPI Campus,
College Road,
Chennai-6.
- 4.The Director General,
CRPF (Recruitment Branch),
East Block-07, Level-4, Sector-01,
R.K.Puram,
New Delhi-110066.



W.P.(MD).No.19058 of 2022

5.The Director General / Authorised Officer,
Office of the Director General Government of India,
Ministry of Home Affairs,
Sahastra Seema Bal,
Force Head Quarters,
East Block,
RK Puram,
New Delhi-110066.

6.The Director General,
Office of the Directorate General,
ITBP (Indo Tibetan Border Police),
Block No.4,
CGO Complex,
Lodhi Road,
New Delhi.

7.The Authorised Officer,
CFSL (Central Forensic Science Laboratory),
No.19, Chakrata Road,
Near Police Chowki,
Phase-II, Panditwari,
Dehradun.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the sixth and seventh respondents to complete the verification process of thumb impression of the petitioner within time frame based on the letter dated 08.07.2022 in File No.9/10/2022-SR by the third respondent and issue joining letter for the post of Constable (GD) in CAPFs/NIA/SSF and Rifleman (GD) in Assam Rifles in the year 2018 by considering the petitioner's representation dated 28.07.2022.



W.P.(MD).No.19058 of 2022

For Petitioner : Mr.D.S.Haroon Rasheed
For R-1, R-2 and : M/s.L.Victoria Gowri
R-4 to R-7 Assistant Solicitor General of India
For R-3 : Mr.P.Thiraviyam
Government Advocate.

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 sixth respondent on 28.07.2022 seeking to complete the verification process of thumb impression of the petitioner and issue joining letter for the post of Constable (GD) in CAPFs/NIA/SSF and Rifleman (GD) in Assam Rifles in the year 2018. 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,



W.P.(MD).No.19058 of 2022

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 sixth respondent herein to consider the petitioner's representation, dated 28.07.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

22.08.2022

Index : Yes / No
Internet : Yes/ No
Lm



W.P.(MD).No.19058 of 2022

To

1. The Secretary to the Government of India,
The Union of India,
Ministry of Home Affairs,
New Delhi.
2. The Chairman,
The Staff Selection Commission,
Block No.12, CGO – Complex,
Lodhi Road, New Delhi-110003.
3. The Regional Director,
Staff Selection Commission,
Southern Region,
2nd Floor, EVC Sampath Building,
DPI Campus, College Road,
Chennai-6.
4. The Director General,
CRPF (Recruitment Branch),
East Block-07, Level-4, Sector-01,
R.K.Puram, New Delhi-110066.
5. The Director General / Authorised Officer,
Office of the Director General Government of India,
Ministry of Home Affairs,
Sahastra Seema Bal, Force Head Quarters,
East Block, RK Puram,
New Delhi-110066.
6. The Director General,
Office of the Directorate General,
ITBP (Indo Tibetan Border Police),
Block No.4, CGO Complex,
Lodhi Road, New Delhi.
7. The Authorised Officer,
CFSL (Central Forensic Science Laboratory),
No.19, Chakrata Road, Near Police Chowki,
Phase-II, Panditwari, Dehradun.



WEB COPY



W.P.(MD).No.19058 of 2022

M.S.RAMESH, J.

Lm

W.P.(MD).No.19058 of 2022

22.08.2022