



W.P.(MD) No.19516 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.19516 of 2022

N.Vijayalakshmi

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar Gandhi Road,
Thousand Light West,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani,
Dindigul District – 624 601.

3.The Secretary / Deputy Commissioner,
Arulmigu Dhandayuthapani,
Swamy Thirukovil,
Palani, Dindigul District – 624 601.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant petitioner promotion to the post of Post Graduate Assistant in the 3rd respondent school



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with effect from 17.01.2016 i.e., the date on which promotion was granted to Teachers included in the 11.12.2014 panel and to fix and pay the salary and its arrears accordingly and to grant incentive to the petitioner with respect to her higher qualification of M.Sc., (Zoology) (in the year 2005) & M.Phil., (Zoology) (in the year 2007).

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.P.T.Thiraviyam for R1
Government Advocate
Mr.R.Murali for R2 & R3
Standing Counsel

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 19.03.2020 seeking to to grant petitioner promotion to the post of Post Graduate Assistant in the 3rd respondent school with effect from 17.01.2016 i.e., the date on which promotion was granted to Teachers included in the 11.12.2014 panel and to fix and pay the salary and its arrears accordingly and to grant incentive to the petitioner with respect to her higher qualification of



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WEB COPY M.Sc., (Zoology) (in the year 2005) & M.Phil., (Zoology) (in the year 2007).

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 respondents 1 and 2 herein to consider the petitioner's representation dated 19.03.2020 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



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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. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking Order/ Non Speaking Order
TM

To

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M.S.RAMESH,J.

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