



W.P.No.4629 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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K.Gopal

...Petitioner

Vs

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600 009.
2. The Director of Town Panchayat,
Kuralagam, Chennai-600 106.
3. The District Collector,
Coimbatore District.
4. The Assistant Director of Town Panchayat,
Coimbatore Region,
Collectorate Campus,
Coimbatore-641 018.
5. The Executive Officer,
Vellalur Town Panchayat,
Vellalur, Coimbatore District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fifth respondent to apply



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and obtain relaxation of the petitioner's educational qualification with the 2nd respondent for and to hold the post of water supplier by considering the petitioner's vast experience in the said post in consonance and compliance of GO (MS) No.198 dated 26.08.1998 within the stipulated time fixed by this Court by considering the petitioner's representation dated 08.08.2022.

For Petitioner : Mr.V.Sivakumar

For Respondents : Mr.D.Ravichander
Spl.Govt.Pleader
For R.1 to R.4
Mr.T.Seenivasan
For R.5

ORDER

The petitioner herein had given a representation to the fifth respondent 08.08.2022, seeking for a direction to apply and obtain relaxation of the petitioner's educational qualification with the 2nd respondent to hold the post of water supplier by considering the petitioner's vast experience in the said post in consonance and compliance of GO (MS) No.198 dated 26.08.1998. Since the said representation was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this



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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.

3. In the light of the above observations, there shall be a direction to the respondents 1, 2 and 5 herein to consider the petitioner's representations dated 08.08.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three 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 respondents to consider the same on its own merits.



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M.S.RAMESH,J.

sr

4. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

sr

To

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