



W.P.No.5675 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5675 of 2023

and

W.M.P.No.5681 of 2023

1.M.Gowrisankar

2.T.Kirubakaran

3.S.Theerthagiri

4.B.Nandakumar

5.R.Murugan

6.S.Thennavan

7.C.Duralingam

...Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Collegiate Education,
Guindy, Chennai - 600 025.

3.The Regional Joint Director of



W.P.No.5675 of 2023

Collegiate Education,
Dharmapuri Region, Dharmapuri.

4.The Registrar,
Periyar University, Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to pass orders for absorption of petitioners in the converted Government Arts and Science College, Pappireddipatty in the post sanctioned as per G.O.Ms.No.183, Higher Education Department, dated 15.09.2022 in accordance with the qualification possessed by each petitioners for the respective post, based on the proposal submitted by the 4th respondent University in Letter No.PU/R/Esst.R5/016181/21F35790/2021 dated 27.10.2022, and the proceedings of the 2nd respondent in R.C.No.23541/Q2/2018 dated 14.11.2022, in consideration of the representation submitted by the petitioners dated 24.11.2022, with all consequential and other benefits.

For Petitioners : Mr.G.Sankaran, Sr. Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader



W.P.No.5675 of 2023

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ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The learned Senior Counsel for the petitioners submitted that the petitioners had jointly given representations to the respondents on 24.11.2022 and 29.11.2022, seeking to accommodate them in the converted Government Arts and Science College, Pappireddipatty, as per the qualification possessed by each of the petitioners, based on the proposal of the 4th respondent, dated 27.10.2022 and the proceedings of the 2nd respondent, dated 14.11.2022. Since the said representations were 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



W.P.No.5675 of 2023

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 1st respondent herein to consider the petitioners' representations dated 24.11.2022 and 29.11.2022, in the light of the proposal of the 4th respondent, dated 27.10.2022 and the subsequent proceedings of the 2nd respondent, dated 14.11.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 ordered. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2023

Index:Yes/No
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W.P.No.5675 of 2023

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- 2.The Director of Collegiate Education,
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- 3.The Regional Joint Director of
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W.P.No.5675 of 2023

M.S.RAMESH,J.

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W.P.No.5675 of 2023

27.02.2023