



W.P.No.6274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6274 of 2023

M. Kalirajan

... Petitioner

Vs.

1.The Director of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai, Saidapet,
Chennai – 600 015.

2.The Regional Joint Director of Collegiate Education,
Madurai Region,
Madurai.

3.The Secretary,
The Standard Fireworks Rajaratinam
College for Wome, (Autonomous)
Sivakasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent herein to approve the petitioner's promotion as Store Keeper in the 3rd respondent College, in the Retirement vacancy of Mrs.T. Janet with effect from 02.01.2023 in the light of approval given by the 1st



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respondent to the similarly placed person Mr.K. Angamuthu vide his proceedings Na.Ka.No.4396//G4/2018 dated 08.07.2021 based on the order passed by this Court in W.P.(MD).No.12783 of 2017 dated 19.12.2018 in W.A.No.9 of 2020 on 25.03.2021 and all other benefits based on the representation given by the petitioner dated 06.01.2023.

For Petitioner : Mr.E. Martin Jayakumar

For Respondents : Mr.D. Ravichander,
Special Government Pleader

ORDER

Mr.D. Ravichander, learned Special Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representation on 06.01.2023 to the respondents, seeking for approval of his promotion from 02.01.2023 in the sanctioned vacancy. Since the said representation was not considered, the present Writ Petition has been filed.



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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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the first respondent herein, to consider the petitioner's representation dated 06.01.2023, in the light of the recommendation sent by the second respondent dated 20.02.2023, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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.



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M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands ordered. No costs.

01.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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