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W.P.No.17794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17794 of 2022

M.Thameemum Ansari

...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 Collegiate Education,
Chennai Region, Saidapet, Chennai-600 015.

3. The Secretary, The New College, Chennai ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to approve the petitioner's appointment as Scavenger in the 3rd respondent College in the sanctioned vacancy caused by the retirement of Mr.K.Venkateswarlu with effect from 01.10.2022 in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide Proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.2019 and in the light of the order in W.P.(MD)No.1234 of 2014 dated 24.02.2015 and in W.A.(MD)No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the



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representation given by the petitioner dated 06.04.2023.

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For Petitioner : Mr.E.Martin Jaya Kumar

For Respondents : Mr.S.Prabhakaran
Government Advocate
For R.1 and R.2

ORDER

With the consent of both the parties, the main writ petition is taken up for final disposal.

2. The petitioner herein has been appointed as Scavenger in 3rd respondent college in the sanctioned vacancy caused by the retirement of Mr.K.Venkateswarlu with effect from 01.10.2022. The petitioner has not been paid salary from 01.10.2022. The third respondent has also sent a proposal dated 09.03.2023 to the second respondent to approve the appointment of the petitioner and the second respondent forwarded the proposal to the first respondent vide proceedings No.Na.Ka.No.1638/Voo1/2023 dated 27.03.2023 and the same is pending before the first respondent. The petitioner submitted a representation dated 06.04.2023 to the respondents 1 and 2 seeking approval for his appointment as Scavenger in the sanctioned retirement



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vacancy from 01.10.2022. 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 proposal dated 09.03.2023 sent by the 3rd respondent to approve the appointment of the petitioner on its own merits and pass appropriate orders in accordance

M.S.RAMESH,J.,

SR



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with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to all the concerned parties. 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 1 and 2 to consider the same on its own merits.

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

No costs.

15.06.2023

Index:Yes/No

Speaking order/Non-speaking order

sr

To

1. The Director of Collegiate Education,
I.A.S.E.Campus, 577, Anna Salai,
Saidapet, Chennai-600 015.
2. The Regional Joint Director Collegiate Education,
Chennai Region, Saidapet, Chennai-600 015.
3. The Secretary, The New College, Chennai

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