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W.P.No.18233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18233 of 2023

V.Selvaraju

...Petitioner

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,
577, Anna Salai, Saidapet,
Chennai - 600 0015.

3.The Principal,
Arignar Anna Government Arts College,
Vadasennimalai, Attur,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders to continue the service of the petitioner in 3rd respondent College, based on upper age limit prescribed for Guest Faculty as per the



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University Grants Commission Regulations, issued in Circular No.F.25-1/2018(PS/MISC) dated 28.01.2019, in consideration of representation submitted by the petitioner dated 20.04.2023 within a time frame.

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

For R1 & R2 : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

Mr.G.Sankaran, learned Senior Counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Government Advocate for the respondents 1 and 2.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the third respondent and hence, notice to the third respondent is hereby dispensed with.

3. The petitioner herein had given a representation to the first and second respondents on 20.04.2023, seeking for passing orders to continue the services of the petitioner in the 3rd respondent College,



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based on the upper age limit prescribed for Guest Faculty, as per the Circular of the University Grants Commission Regulations, dated 28.01.2019. Since the same has not yet been considered, the present Writ Petition has been filed.

4. 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 him 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 him to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 20.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of



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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.

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

No costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

- 1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

- 2.The Director of Collegiate Education,
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M.S.RAMESH,J.

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