



W.P.No.26315 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.26315 of 2022

and

WMP.Nos.25383 & 25385 of 2022

K.Jayabharathy

...Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Higher Education Department,
Secretariat, Chennai.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
Sardhar Patel Road,
Guindy, Chennai-600 025.

3.The Principal,
Central Polytechnic College,
Tharamani, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to not to fill up the post occupied by the petitioner for about 12 years and 6 months, i.e., Lecturer in Communication Engineering in Department of Communication Engineering at third respondent Central Polytechnic College, Tharamani, Chennai, without taking any comprehensive and final decision with regard to the claim of regularization of the petitioner's 12 years and 6 months of service in the post.

For Petitioner	: Mr.Singaravelan, Sr. Counsel for Mr.M.Muruganantham
For Respondent Nos.1 & 2	: Mr.P.Baladhandayutham Special Government Pleader



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ORDER

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The petitioner herein had given representations to the respondents requesting them to not to fill up the post occupied by the petitioner for about 12 years and 6 months, i.e., Lecturer in Communication Engineering in the Department of Communication Engineering at the third respondent Central Polytechnic College, Tharamani, Chennai, without taking any comprehensive and final decision with regard to the claim of regularization of the petitioner's 12 years and 6 months of service in the post. Since the said representations were not considered, the present Writ Petition has been filed.

2. 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.



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3. Since the representations were given long back by the petitioner, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating her grievances. On receipt of such a representation, the respondents shall consider it and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of such representation. Till such a disposal of the petitioner's representation, the respondents shall not disturb the petitioner's services. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the respondents to consider it on its own merits.

5. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

21.06.2023



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Index:Yes/No
DP

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M.S.RAMESH,J.

DP

To

- 1.The Secretary,
State of Tamil Nadu
Higher Education Department,
Secretariat, Chennai.
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