



W.P.No.34327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34327 of 2023

P.Namadevan

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. By the Additional Chief Secretary/
Commissioner of Revenue Administration,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Revenue Administration,
PWD Estate, Chepauk,
Triplicane, Chennai – 600 005.
- 3.The District Collector,
Thirupattur District,
Thirupattur.
- 4.The Sub-Collector,
Thirupattur District,
Thirupattur.
- 5.The Tahsildar,
Thirupattur Taluk,
Thirupattur.



W.P.No.34327 of 2023

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6. The Inspector of Police,
Thirupattur Police Station,
Thirupattur Town,
Thirupattur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to issue an appropriate order to the 3rd respondent to appoint the petitioner with retrospective effect as Village Assistant in any one of the vacant post in Tirupattur District and Taluk on par with the candidates selected to the post of Village Assistant namely Katteri SC (NP) GL and Pudhur Nadu SC (NP) GL and S.Pallipattu GT (NP) GL and to pay all attendant benefits including monetary benefits from the date of their appointment to the petitioner, for which the petitioner has submitted a representation dated 29.08.2022 and marked copies to the other respondents.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



W.P.No.34327 of 2023

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2. The prayer sought for in this Writ Petition is for a direction to 1st respondent to direct 3rd respondent to appoint the petitioner as Village Assistant with retrospective effect, together with all attendant and monetary benefits. In this regard, the petitioner had sent a representation to the respondents on 29.08.2022. The said representation has not been considered till date.

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 them 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 observations, there shall be a direction to the 1st respondent herein, to consider the petitioner's representation



W.P.No.34327 of 2023

WEB COPY

dated 29.08.2022, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 made by 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 disposed of.

No costs.

12.12.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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W.P.No.34327 of 2023

WEB COPY

To

- 1.The Additional Chief Secretary/
Commissioner of Revenue Administration,
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Chennai – 600 009.
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- 6.The Inspector of Police,
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W.P.No.34327 of 2023

M.S.RAMESH,J.

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W.P.No.34327 of 2023

12.12.2023