



W.P.No.26895 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.26895 of 2022
and
WMP.Nos.25995 & 25996 of 2022

J.Jayapriya

...Petitioner

-Vs-

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

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

3.The Principal,
Government Polytechnic College,
Arakandanallur,
Villupuram 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 not to fill up the post occupied by the petitioner for about 11 years, i.e., Lecturer in Computer Science Engineering in Department of Computer Engineering at third respondent Government Polytechnic College, Villupuram, without taking any comprehensive and final



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decision with regard to the claim of regularization of the petitioner's 11 years of service in the post.

For Petitioner : Mr.Singaravelan, Sr. Counsel
for Mr.M.Muruganantham

For Respondent : Mr.P.Baladhandayutham,
Nos.1 & 2 Special Government Pleader

ORDER

The petitioner herein had given a representation on 20.12.2021 to the respondents requesting them not to fill up the post occupied by the petitioner for about 11 years, i.e., Lecturer in Computer Science Engineering in Department of Computer Engineering at third respondent Government Polytechnic College, Villupuram, without taking any comprehensive and final decision with regard to the claim of regularization of the petitioner's 11 years of service in the post. Since the said representation was 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



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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.

3. Since the representation given by the petitioner dates back to the year 2021, 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, along with a copy of the earlier representation dated 20.12.2021, 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



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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.

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Index:Yes/No
Order :Speaking / Non Speaking
Neutral Citation :Yes / No

DP



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To

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- 1.The Secretary,
Government of Tamil Nadu
Department of Higher Education,
Secretariat, Chennai.
- 2.The Commissioner of Technical Education,
Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai-600 025.



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M.S.RAMESH,J.

DP

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