



WEB COPY



W.P.No.30956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30956 of 2023
and W.M.P.No.30582 of 2023

- 1.Dr.G. Pattabirani
- 2.Dr.J. Manimaran
- 3.Dr.R. Balamurugan
- 4.Dr.S. Tamilselvan
- 5.Dr.R. Visalakshi

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Syndicate of the Annamalai University,
Rep. by the Vice-Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram – 608 002.
- 3.The Directorate of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road, Guindy,
Chennai – 600 025.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to pass a resolution retransferring the petitioners to the Department of Information Technology in the Annamalai University as Assistant Professors to maintain the Student-Faculty Ratio of 1:20 as per the All India Council for Technical Education (AICTE) approval guidelines hand book Appendix – 7 within a time frame to be fixed by this Court.

For Petitioners : Mrs.Nalini Chidambaram
Senior Counsel
for Mrs.C. Uma

For Respondents : Mr.M. Bindran, [R1 & R3]
Additional Government Pleader
Mr.E.C. Ramesh,
Standing Counsel [R2]

ORDER

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

2. The petitioners herein have given representation to the respondents on 09.09.2023, seeking for retransfer to Annamalai University. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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 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 second respondent herein, to consider the petitioners' representation dated 09.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks 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 of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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

No costs. Connected miscellaneous petition is closed.

01.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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To

- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Syndicate of the Annamalai University,
Rep. by the Vice-Chancellor,
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