



W.P.No.34254 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34254 of 2022
and W.M.P.Nos.33698 & 33699 of 2022

1.Dr.G.Uma, Ph.D.,

2.Dr.J.Anuja, Ph.D.,

3.Dr.K.Anusuya Devi, Ph.D.,

4.Dr.S.Sangeetha, Ph.D.,

5.Dr.C.Balakrishnamurthy, Ph.D.,

6.Dr.S.Arvinth, Ph.D.,

... Petitioners

Vs.

1.The Principal Secretary,
Higher Education Department,
Secretariat, Chennai – 600 009.

2.The Director of Collegiate Education,
Institute of Advanced Study in Education Campus,
577, Anna Salai, Saidapet, Chennai – 600 015.

3.The Regional Joint Director of Collegiate Education,
Next to Income Tax Office,



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Race Course, Coimbatore – 641 018.

4.The Secretary,
PSG College of Arts and Science,
Coimbatore – 641 014.

5.The Principal,
PSG College of Arts and Science,
Coimbatore – 641 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to process the complete list of the eligible candidates including the names of the petitioners for Career Advance Scheme by implementing the G.O.M.S.(5) Higher Education (H1) Department, dated 11.01.2021 within a time frame as fixed by this Hon'ble Court by considering the petitioners' representation dated 14.11.2022.

For petitioners : Mr.Mohd. Yaqoob Kafeel
for Mr.R.Kannan

For R1 to R3 : Mrs.V.Yamuna Devi,
Special Government Pleader

For R4 & R5 : Mr.R.Bharanidharan

ORDER

Heard the learned counsel for the petitioners, learned Special Government Pleader appearing for the respondents 1 to 3 and learned



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counsel for the respondents 4 & 5.

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2. The petitioners herein have given a representation to the first respondent on 14.11.2022, seeking to process the complete list of the eligible candidates including their names for Career Advance Scheme by implementing G.O.M.S.(5) Higher Education (H1) Department, dated 11.01.2021. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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



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to the respondents 1 to 4, to consider the petitioners' representation dated 14.11.2022, on their 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.

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

No costs. Connected miscellaneous petitions are closed.

14.12.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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To

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Higher Education Department,
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M.S.RAMESH,J.

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