



WEB COPY



W.P.No.32823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.32823 of 2023

R.Manikandan

...Petitioner

-Vs-

1.The State of Tamil Nadu

Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Registrar,

Annamalai University,
Annamalai Nagar,
Chidambaram-608 002.

3. The Director of Technical Education,

No.53, Sardar Patel Road,
Bakthavatsalam Nagar, Guindy,
Chennai-600 025.

4. The Principal,

Government Polytechnic College,
Reghunathpuram, Papanasam,
Thanjavur-614 210

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the 3rd respondent to issue



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individual proceedings to the petitioner as mentioned in Para 6 of G.O.(D) No.239 dated 09.08.2023 by considering the representation dated 02.09.2023 given by the petitioner.

For Petitioner : Ms.JP.Dhanyasree

For Respondents : Mrs.V.Yamuna Devi
Spl.Government Pleader
For RR.1, 3 and 4
Mr.E.C.Ramesh
Standing Counsel
For R.2

ORDER

Heard Ms.JP.Dhanyasree, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for the respondents 1, 3 and 4 and Mr.E.C.Ramesh, learned Standing Counsel for the second respondent. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given representation to the third respondent on 02.09.2023 seeking to issue individual proceedings to him as mentioned in Para 6 of G.O.(D) No.239 dated 09.08.2023. Since the said representation was not considered, 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 the respondent to consider



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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 respondents to consider the representation of the petitioner dated 02.09.2023 seeking to issue individual proceedings as mentioned in Para 6 of G.O.(D) No.239 dated 09.08.2023 on its own merits and pass appropriate orders in accordance with law, within a period of two 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 petitioner and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
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M.S.RAMESH.J.

SR

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
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Chennai-600 009.
2. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002.
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