



W.P.No.33708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33708 of 2023

Kodiyarasan

...Petitioner

Vs

1. Government of Tamil Nadu
Represented to Secretary
Education Department
Fort St.George
Chennai – 600 009
2. The Director of Collegiate Education
College Road
Chennai – 600 006
3. The Principal
Government College of Arts for Women
Ramanathapuram – 623 501
Ramanathapuram District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pass appropriate orders to regularize the service of the petitioner in the cadre of Watchman from the date of the initial appointment on 02.01.1996 with all consequential service and monetary benefits in the



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light of the proceedings of the second respondent bearing Na.Ka.No15348/84/2015 dated 12.02.2016 in favour of Mr.D.Arasu and Mr.C.Jayavel as well as order dated 05.07.2021 passed by the second respondent in favour of Mr.Chinniah, within a time frame that may be fixed by this Court.

For Petitioner : Mr.P.Ganesan

For R1 to R3 : Mr.M.Bindran
Additional Government Pleader

ORDER

Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for respondents 1 to 3.

2. The petitioner herein had given a representation to the respondents on 27.12.2022 to regularize the service of the petitioner in the cadre of Watchman from the date of the initial appointment on 02.01.1996 with all consequential service and monetary benefits Since the said representation was not considered, 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 the Constitution of the 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 first respondent herein to consider the petitioner's representation dated 27.12.2022 in the light of order passed by this Court dated 08.03.2023 in W.P.No.5411 of 2021 and on its own merits and pass appropriate orders in accordance with law, within a period of 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.



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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order
gpa

To

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M.S.RAMESH,J.

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