



WEB COPY



W.P.No.34449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34449 of 2023

A. George

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road, Chennai – 600 006.

2.The Joint Director of Collegiate Education,
Chennai Region, Chennai – 600 015.

3.The Correspondent,
YMCA College of Physical Education,
No.494, Anna Salai, Nandhanam,
Chennai – 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to approve forthwith the petitioner's appointment as Marker in the 3rd respondent college from his original date of appointment i.e., from 30.08.1996 (not 22.12.2021) and consequently sanction the attendant benefits thereof including salary, service and allowances from 30.08.1996 by considering the petitioner's representation dated 20.10.2022.



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For Petitioner : Mr.A. Vijayakannan
For R1 & R2 : Mrs.V. Yamuna Devi,
Special Government Pleader
For R3 : Mr.B. Ram Prasath

ORDER

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

2. The prayer sought for in the present Writ Petition is for a direction to the respondents 1 and 2, to approve the petitioner's appointment as Marker in the 3rd respondent college from his original date of appointment i.e., from 30.08.1996 (not 22.12.2021) and consequently sanction the attendant benefits thereof including salary, service and allowances from 30.08.1996. In this regard, the third respondent has also given a proposal dated 16.08.2022 to the second respondent. Thereafter, the petitioner has given a representation dated 20.10.2022.



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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 result, there shall be a direction to the first and second respondents herein, to consider the petitioner's representation dated 20.10.2022, in the light of the third respondent's proposal dated 16.08.2022 and pass appropriate orders in accordance with law, within a period of eight (8) 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 concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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5. Accordingly, the Writ Petition stands disposed of. No costs.

15.12.2023

Index:Yes/No

Speaking/Non-speaking order

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To

- 1.The Director of Collegiate Education,
College Road, Chennai – 600 006.
- 2.The Joint Director of Collegiate Education,
Chennai Region, Chennai – 600 015.
- 3.The Correspondent,
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