



W.P.Nos.34578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.34578 of 2023

and

WMP.No.34498 of 2023

T.Yogaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to the Government,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to award additional marks for the Booklet Series “A” for the question Nos.10, 14, 43, 72 and 99, in the written examinations be held on 02.07.2017 in pursuant to the Recruitment Notification bearing Advertisement No.03/2017 dated 09.05.2017 issued by the Second respondent and consequentially to select and appoint the petitioner (Roll No. 17PG21050243) for the post of Post Graduate Assistant in Chemistry



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within a time bound manner by considering the petitioner's representation dated 19.07.2023 and in accordance with the Judgement of this Court in Rev. Application (MD) No.153 of 2019 dated 19.09.2019 confirmed by the Judgement of the Hon'ble Supreme Court in SLP (Civil) D.Nos.26469/2020 dated 29.04.2022.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.M.Bindran
Additional Government Pleader (for R1)

Mr.K.Sathish Kumar
Standing counsel (For 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 petitioner herein has given a representation to the second respondent on 19.07.2023, seeking to award additional marks for the Booklet Series “A” for the question Nos.10, 14, 43, 72 and 99, in the written examinations be held on 02.07.2017 in pursuant to the Recruitment Notification bearing Advertisement No.03/2017 dated 09.05.2017 issued by the Second respondent and consequently select and



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appoint the petitioner (Roll No. 17PG21050243) for the post of Post Graduate Assistant in Chemistry. 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 to the second respondent herein, to consider the petitioner's representation dated 19.07.2023 in the light of the order passed by this Court in W.P.(MD).No.18633 of 2023 on its own merits and pass appropriate orders in accordance with law, within a period of two (02) weeks from the date of receipt of a copy of this order. It is made clear that this Court has



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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.

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

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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