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W.P.No.34360 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34360 of 2023

Dr.S. Vaheetha Ghousia

... Petitioner

Vs.

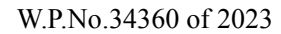
1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Department of Higher Education,
Fort St. George,
Chennai – 600 009.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
IASE Campus, No.577,
Anna Salai, Saidapet,
Chennai – 600 015.

3.The Principal,
Government Arts College,
Udhagamandalam,
Nilagiri District – 643 002.

... 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 pay the salary for the period from 01.04.2023 to 16.07.2023, when the petitioner duly availed Medical Leave based on the petitioner's



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considered till date.

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4. 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 India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 30.10.2023 on its own merits 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 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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M.S.RAMESH,J.

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

No costs.

13.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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To

1.The Principal Secretary to Government of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai – 600 009.

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