



W.P.No.34571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34571 of 2023

1.S.Nandivarman
S/o.Swaminathan

2.K.Thiyagarajan
S/o.Kaliyasamy

3.T.Veerassamy
S/o.Thangappan

4.A.V.Dhayaneswaran

5.S.Perumal
S/o.Sadgopan

6.P.Balasankar
S/o.Perumal

7.C.Thirupathy
S/o.Selvam

8.T.Sundarmurthy
S/o.Thangarasu

9.G.Saravanakumar
S/o.Ganesan



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10.R.Prabhu
S/o.Ragavan

...Petitioners

Vs

- 1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.
- 2.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Service 5 Wing, Secretariat,
Chennai - 600 009.
- 3.The District Collector,
Cuddalore District,
Cuddalore.
- 4.The Annamalai University
represented by its Registrar,
Annamalai Nagar - 608 002.
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to depute the petitioners as Office Assistants on deputation to the Cuddalore District in the vacant office assistant post as notified by the second respondent in letter No.Employment 4(5)/7225/2017 dated 27.09.2023 by considering the petitioners' representation dated 27.10.2023 by providing opportunity of hearing.

For Petitioners : Ms.T.Dharani



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For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader for R1 to R3

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 petitioners had given a representation on 27.10.2023 to depute the petitioners as Office Assistant on deputation to the Cuddalore District in the vacancy notified by the second respondent in Letter No.Employment 4(5)/7225/2017 dated 27.09.2023.

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 him 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.



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4. In the light of the above observations, there shall be a direction to the respondents to consider the petitioners' representation dated 27.10.2023, 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 petitioners 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.

No costs.

19.12.2023

Index:Yes/No
Speaking order/Non-speaking order
gpa



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To
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- 1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.
- 2.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Service 5 Wing, Secretariat,
Chennai - 600 009.
- 3.The District Collector,
Cuddalore District,
Cuddalore.



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M.S.RAMESH,J.

gpa

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