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W.P.Nos.35530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.35530 of 2023

Vedhanayagi

... Petitioner

Vs.

1.The Member Secretary,
Teacher Recruitment Board,
3rd floor, Puratchi Thalaivar Dr.MGR Centenary Building,
College Road,
Chennai – 600 006.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direction to the 1st respondent herein to consider the representation of the petitioner dated 21.11.2022 within the stipulated time prescribed by the Court by accepting the Petitioner's Msc Botany Degree which she is already possessing Prior to the Notification / Advertisement issued by the 1st respondent herein vide Advertisement No.01/2021 dated 09.09.2021 for the post Postgraduate Assistant in Botany and not to insist the Equivalence of GO.



W.P.Nos.35530 of 2023

WEB COPY

For Petitioner : Mr.T.Muruganantham

For R-1 : Mr.R.Nelakandan
Additional Advocate General
assisted by
Mr.R.Siddharth, Standing counsel

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 several representation to the 1st respondent on 21.11.2022, seeking to accept the Petitioner's Msc Botany Degree, which she is already possessing prior to the Notification / Advertisement issued by the 1st respondent herein vide Advertisement No.01/2021 dated 09.09.2021 for the post of Postgraduate Assistant in Botany. 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



W.P.Nos.35530 of 2023

WEB COPY

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 1st respondent herein, to consider the petitioner's representation dated 21.11.2022, 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 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.

No costs.



WEB COPY



W.P.Nos.35530 of 2023

20.12.2023

Index:Yes/No

Speaking order/Non-speaking order
gd



W.P.Nos.35530 of 2023

WEB COPY To

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WEB COPY



W.P.Nos.35530 of 2023

M.S.RAMESH,J.

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W.P.No.35530 of 2023

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