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W.P.No.35809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35809 of 2023

C. Sumathi

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St. George, Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Having Office at No.37, Mettupalayam Road,
Coimbatore District.

... 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 to appoint the petitioner's elder son named Mr.Prabu in the suitable post based on the representation given by the petitioner dated 17.09.2012.



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For Petitioner : Mr.M. Dinesh
For R1 : Mr.V.P.R. Elamparathi,
Additional Government Pleader
For R2 : Mr.A. Vinodthraj,
Standing Counsel

ORDER

With the consent of both 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 respondents on 17.09.2012, seeking for appointment of her to the suitable post. Since there is no progress in the said representation 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,



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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 respondents herein, to consider the petitioner's representation dated 17.09.2012, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

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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

- 1.The Principal Secretary to State of Tamil Nadu,
Transport Department,
Fort St. George, Chennai.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Having Office at No.37, Mettupalayam Road,
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