



W.P.(MD).No.7064 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7064 of 2023

A.Daisy Marry

... Petitioner

Vs.

The Director,
National Institute of Technology,
Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to grant all monetary benefits to the petitioner based on her representation, dated 07.10.2022.

For Petitioner : Mr.S.Ramakrishnan

For Respondent : Ms.J.Maria Roseline



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to grant all monetary benefits to the petitioner based on her representation, dated 07.10.2022.

2.Heard Mr.S.Ramakrishnan, learned counsel appearing for the petitioner and Ms.J.Maria Roselin, learned counsel appearing for the respondent and perused the materials available on record.

3.The petitioner is working as an Assistant Nurse in the respondent College of Regional Engineering College, Tiruchirappalli for the past 23 years. The College used to promote the person once in six years as a terminal post. She was granted terminal I in the year 2003 instead of 2001. She made several representations seeking her terminal II. Finally, in the year 2013, her terminal II was granted, while others were getting M.C.A.P. Seeking M.A.C.P she made a representation to the respondent on 07.10.2022 and the same was acknowledged on 12.10.2022. Since the same was not considered, the present Writ Petition came to be filed.



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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 the respondent 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.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondent to consider the representation of the petitioner, dated 07.10.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

03.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

The Director,
National Institute of Technology,
Trichy.



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L.VICTORIA GOWRI, J.

ps

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