



W.P.(MD) No.12393 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.12393 of 2023

A.Ignatius Maria Savari

...Petitioner

Vs

1.The Director of Collegiate Education,
College Road,
Chennai – 6.

2.The Joint Director of Collegiate Education,
Palayamkottai,
Tirunelveli District.

3.The Secretary,
St. Xaviers College (Autonomous),
Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 3rd respondent to consider the petitioner for promotion to the post of Superintendent taking into account of the seniority and in terms of Rule 11(4)(i) of the Tamil Nadu Private Colleges Rules 1976 by considering the petitioner's representation dated 17.05.2023 within the period that may be stipulated by this Hon'ble Court.



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For Petitioner : Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates

For Respondents : Mr.P.S.Thiraviyam
1 & 2 Government Advocate

ORDER

In view of the order proposed to be passed in this Writ Petition, notice to the third respondent is dispensed with. By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 17.05.2023 seeking promotion to the post of Superintendent Since the said representation was not considered, 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 the respondents 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



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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 third respondent herein to consider the petitioner's representation, dated 17.05.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four 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.
There shall be no order as to costs.

25.05.2023

NCC : Yes/No
Index : Yes/No
SJ



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M.S.RAMESH,J.

SJ

To

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