



W.P.(MD).No.21966 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21966 of 2023

K.Prabhu

... Petitioner

Vs.

1.The Director of Collegiate Education,
DPI Campus, Nungambakkam High Road,
Chennai.

2.The Administrative Secretary,
Kanyakumari Diocese (CSI),
Diocesan Office, 71-A Dennis Street,
Nagercoil,
Kanyakumari District.

3.The Correspondent/Secretary,
Scott Christian College,
Nagercoil, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to absorb and appoint the petitioner in the post of Assistant Professor (History) in the 3rd respondent college based on petitioner's representation, dated 12.08.2023 and pass orders within the time stipulated by this Court.



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For Petitioner : Mr.M.R.Sreenivasan
For R1 : Mr.N.Ramesh Arumugam
Government Advocate
For R2 : Mr.H.Arumugam
For R3 : Mr.F.Deepak

ORDER

The present writ petition has been filed seeking direction to the 2nd and 3rd respondents to absorb and appoint the petitioner in the post of Assistant Professor (History) in the 3rd respondent college based on petitioner's representation, dated 12.08.2023 and pass orders within the time stipulated by this Court.

2. The petitioner was appointed in the non-teaching post as Watchman on 09.02.2006 in the 3rd respondent college in a regular sanctioned aided post. He is qualified in M.A (History), M.Phil and Ph.D. He claims that he is eligible to be absorbed as teaching staff in the 3rd respondent college in terms of the Government proceedings, dated 28.08.1995, in which the Government had given direction to the aided colleges to appoint the non-teaching staff as Lecturers with subjective conditions.



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3. While so, the 2nd respondent had advertised in the newspaper for the recruitment of Assistant Professor in various departments. As per the notification, in the department of History, 2 posts of Assistant Professors are called for the recruitment. On receipt of the same, the petitioner had given representation, dated 12.08.2023 to the respondents to absorb him as Assistant Professor by virtue of the proceeding of the 1st respondent, dated 28.08.1995. However, the same was not considered.

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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court directs the 2nd and 3rd respondents to consider the representation made by the petitioner on



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12.08.2023 in accordance with rules and regulations. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Director of Collegiate Education,
DPI Campus, Nungambakkam High Road,
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L.VICTORIA GOWRI, J.

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