



W.P(MD)No.901 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.901 of 2024

G.Sudhakar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Nungambakkam, Chennai.

2.The Commissioner of Technical Education,
Guindy, Chennai.

3.The Deputy Commissioner / Correspondent,
Hindu Religious and Charitable Endowments,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

4.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul 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 respondents to include the qualification level - 9A Entry Pay Rs.56100/- specified in G.O. (MS).No.20 Higher Education (C2) Department, dated 14.01.2020 by considering the petitioner's representation, dated 10.11.2023.



W.P(MD)No.901 of 2024

For Petitioner : Mr.S.Kalyanakumar
For R1 & R3 : Mr.B.Saravanan
Government Advocate
For R2 : Mr.N.Ramesh Arumugam
Government Advocate
For R4 : Mr.R.Murali

ORDER

The present writ petition has been filed seeking direction to the respondents to include the qualification level - 9A Entry Pay Rs.56100/- specified in G.O.(MS).No.20 Higher Education (C2) Department, dated 14.01.2020 by considering the petitioner's representation, dated 10.11.2023.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has a qualification of Ph.d., in Physical Education and he has completed 17 years of service in the 4th respondent college and he is fully qualified for the post of Physical Director. Hence, he made a request to regularize him considering his 17 years of service in the 4th respondent college. As per G.O.Ms.No.20 Higher Education (C2) Department, dated 14.01.2020,



W.P(MD)No.901 of 2024

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minimum qualification for the post of Assistant Director (Physical Education) was kept in Level – 9A with entry pay of Rs.56,100/-. While so, the respondents issued notification on 08.11.2023 through online to fill up various posts in 4th respondent college including the Physical Director post. However, the post of Physical Director was included in Serial No.10, in level -10 Entry Pay Rs.57,700/- contrary to the mandates of G.O.Ms.No.20 Higher Education (C2) Department, dated 14.01.2020. Hence, the petitioner made a representation, dated 10.11.2023 seeking the respondents to include the qualification level – 9A with an entry pay at Rs..56,100/- in terms of G.O.Ms.No.20 Higher Education (C2) Department, dated 14.01.2020 for the post of Physical Director. Since the same was not considered, this writ petition came to be filed. For all other academic posts, the pay was fixed at level – 9A. However, only for the Physical Director post, they fixed the qualification at level – 10.

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-



W.P(MD)No.901 of 2024

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 hereby direct the respondents to consider the representation of the petitioner, dated 10.11.2023 and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

18.01.2024

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

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To

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W.P(MD)No.901 of 2024

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W.P(MD)No.901 of 2024

L.VICTORIA GOWRI, J.

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W.P(MD)No.901 of 2024

18.01.2024