



W.P.(MD).No.3740 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3740 of 2024

Dr.A.Sajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai – 600 009.

2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar,
Tirunelveli – 627 008

4.The Registrar,
Manonmanian Sundaranar University,
Tirunelveli District

5.Nesamony Memorial Christian College,
Rep. By its Secretary cum Correspondent,
Marthandam,
Kanyakumari District.

... Respondents



W.P.(MD).No.3740 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to approve the petitioner's appointment as Assistant Professor in the Department of Tamil in the 5th Respondent College in the sanctioned aided vacancy caused due to the retirement of Mr.Isaac Arumai Raj with effect from 18.08.2000 to 29.07.2007 in the light of the approval given by the 2nd respondent to the similarly placed persons on the basis of the common order passed in W.P.Nos.22128 and 22131 of 2021 dated 21.10.2021 with monetary and all other service benefits.

For Petitioner	: Mr.B.Brijesh Kishore
For R1 & R2	: Mr.M.Sarangan Additional Government Pleader
For R3	: Mr.F.Deepak
For R4	: Mr. M.Mahaboob Athiff

ORDER

Mr. M.Sarangan, learned Additional Government Pleader takes notice for the respondents 1 and 2, Mr.F.Deepak, learned counsel takes notice for the 3rd respondent and Mr.M.Mahaboob Atiff, learned counsel takes notice for the 4th respondent.

2. By consent of all the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



W.P.(MD).No.3740 of 2024

WEB COPY

3. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner was appointed as Lecturer in the Department of Tamil in the 5th respondent College on 18.08.2000. The 3rd respondent in his proceedings dated 06.11.2008 has approved his appointment as Assistant Professor with effect from 30.07.2007 forenoon. Since the 2nd respondent did not approve the petitioner's appointment with effect from 18.08.2000 to 29.07.2007, the petitioner approached the 2nd and 3rd respondents. He requested them to redress his grievance in the light of the approval given by them to the similarly placed persons on the basis of the orders passed by this Court in W.P.Nos.22128 and 22131 of 2021 dated 21.10.2021. In this regard, he made a detailed representation. Since the same has not been considered so far, the present Writ Petition came to be filed.

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.3740 of 2024

WEB COPY

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. It is made clear that without going into the merits of this case, this Court hereby direct the respondents 2 and 3 to consider the representation of the petitioner dated 23.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

20.02.2024

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



WEB COPY



W.P.(MD).No.3740 of 2024

To

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar,
Tirunelveli – 627 008
- 4.The Registrar,
Manonmanian Sundaranar University,
Tirunelveli District
- 5.Nesamony Memorial Christian College,
Rep. By its Secretary cum Correspondent,
Marthandam,
Kanyakumari District.



WEB COPY



W.P.(MD).No.3740 of 2024

L.VICTORIA GOWRI, J.

CM

W.P.(MD).No.3740 of 2024

20.02.2024