



W.P.(MD).No.4675 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4675 of 2024

A.Jai Nirmala

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
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, Tirunelveli-627 002.
4. The Correspondent Cum Secretary,
Sarah Tucker College, Tirunelveli-627 007.

... 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 1 – 3 to approve the appointment of the petitioner as Assistant Professor in Commerce in the 4th respondent College and sanction and disburse the grant in aid to the petitioner towards her salary and all other benefits w.e.f.28.04.2023 in light of the proceedings issued by the 2nd respondent in Na.Ka.No.



W.P.(MD).No.4675 of 2024

44402/F4/2023, dated 18.01.2024 by considering the representation of the petitioner, dated 03.01.2024.

For Petitioner : Mr. T.Cibichakraborty

For Respondents : Mr.M.Sarangan (R1-R3)
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 – 3 to approve the appointment of the petitioner as Assistant Professor in Commerce in the 4th respondent College and sanction and disburse the grant in aid to the petitioner towards her salary and all other benefits w.e.f. 28.04.2023 in light of the proceedings issued by the 2nd respondent in Na.Ka.No.44402/F4/2023, dated 18.01.2024 by considering the representation of the petitioner, dated 03.01.2024.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself and notice to the fourth respondent is dispensed with.



W.P.(MD).No.4675 of 2024

WEB COPY

3. Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1-3. Perused the materials on record.

4. The petitioner is working as an Assistant Professor in the Department of Physics in the 4th respondent College w.e.f. 28.04.2023 in the regular sanctioned vacancy. In this regard, the fourth respondent had sent a proposal to the third respondent, on 24.11.2023 with all relevant documents seeking approval of petitioner's appointment. Since there is no response, the petitioner had sent a representation through registered post on 03.01.2024 to the first respondent through proper channel. However, the same was also not acted upon and hence, this writ petition came to be filed.

5. 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 Court will be justified in invoking



W.P.(MD).No.4675 of 2024

WEB COPY

its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the third respondent to consider the representation of the petitioner, dated 03.01.2024 and pass appropriate order in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

29.02.2024

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

To

1. The Secretary,
Department of Higher Education,
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, Tirunelveli-627 002.



WEB COPY



W.P.(MD).No.4675 of 2024

L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.4675 of 2024**

29.02.2024