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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4739 of 2024

G.Mohan Kumar ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Higher Education (K2) Department,
Secretariat, Fort St.George,
Chennai.

2.The Madurai Kamaraj University,
Rep.by its Registrar,
University Campus,
Madurai. ... 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 Respondent herein to consider the petitioner's representation dated 09.02.2024 and pass appropriate orders to regularize his service as in the post of Clerk / Assistant in one of the 177 available permanent vacancy in 2nd respondent University with effect from completion of his 10 years service without break i.e., from

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18.10.2022 with all consequential monetary and service benefits, within a stipulated time as fixed by this Court.

For Petitioner : Mr.V.Meenakshi Sundaram

For R1 : Mr.P.T.Thiraviyam
Government Advocate

For R2 : Mr.T.Sakthi Kumaran
Standing Counsel

ORDER

The present writ petition has been filed to regularize the service of the petitioner on completion of his 10 years service without break with all consequential monetary and service benefits, within the time stipulated by this Court.

2. Similar matter came to be dealt with by this Court in W.P(MD)No. 18974 of 2022, dated 04.01.2024, in which, similar cases of CPCLR was considered and favourable orders were passed in favour of the consolidated employees/petitioners therein. In this case also, the petitioner made representation to regularize his service in the available permanent vacancy in respondent University, on completion of his 10 years service without break

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with all consequential monetary and service benefits. For the sake of convenience, the details of the service rendered by the writ petitioner is tabulated as follows.

Sl.No	Writ Petition Number	Name of the writ petitioner	Date of entry into service	Date on completion of 10 years	Service period as on today
1	W.P.(MD)4739/2024	G.Mohan Kumar	18.10.2012	18.10.2022	11.5

However, the representation of the petitioner was not acted upon till date. Hence, this writ petition came to be 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 Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

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4. 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 first respondent to consider the representation of the petitioner 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.

5. With the above direction, this writ petition stands disposed of. No costs.

11.03.2024

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

1.The Secretary,

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Higher Education (K2) Department,
Secretariat, Fort St.George,
Chennai.

2.The Registrar,
The Madurai Kamaraj University,
University Campus,
Madurai.

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L.VICTORIA GOWRI, J.

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