



W.P.(MD).No.5758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5758 of 2024

N.Ramasubbu

... Petitioner

Vs

1. The State of Tamilnadu,
Represented by its Principal Secretary to the Government,
Higher Education (11) Department,
Fort St. George, Chennai 600 009.

2. The Commissioner of Technical Education,
Commissionerate of Technical Education,
Guindy, Chennai 600 025.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No. 1 to dispose of the appeal petition, dated 29.02.2024 preferred by the petitioner within the time period stipulated by this Court.

For Petitioner : Mr. S.Rajasekar

For Respondents : Mr.P.T.Thiraviam
Government Advocate



W.P.(MD).No.5758 of 2024

WEB COPY

ORDER

The present writ petition has been filed seeking a direction to the respondent No. 1 to dispose of the appeal petition, dated 29.02.2024 preferred by the petitioner within the time period stipulated by this Court.

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.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.The petitioner was appointed as Assistant Professor at Alagappa Chettiar Government College of Engineering, Karaikudi. The crucial date for the panel for promotion to the post of Associate Professor is 03.03.2023. For all these years the right from his appointment, the promotion to the post of Associate Professors in Government Engineering Colleges were not granted. Even in the year 2021-22, the panel was not drawn. For the promotion panel for



W.P.(MD).No.5758 of 2024

the year 2023, the details of the persons eligible for promotion, including the petitioner were sent to the second respondent by the College. However, the petitioner's name was not included in the temporary promotion order, dated 18.04.2023. Hence, the petitioner made a representation on 29.02.2024 before the first respondent to consider his case to be included into the panel of promotion and the same was not considered. Resulting which, 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 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



W.P.(MD).No.5758 of 2024

first respondent to consider the representation of the petitioner, dated 29.02.2024 and pass appropriate orders in accordance with law, within a period of eight (8) 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.

08.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Principal Secretary to the Government,
Higher Education (11) Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Technical Education,
Commissionerate of Technical Education,
Guindy, Chennai 600 025.



WEB COPY



W.P.(MD).No.5758 of 2024

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.5758 of 2024

08.03.2024