



W.P.(MD)No.8958 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8958 of 2024

N.Hariharasudhan

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary
Public Works Department
Secretariat, Fort St.George
Chennai.

2.The Additional Chief Secretary to Government
Water Resource Department
Secretariat, Fort St.George
Chennai.

3.The Chief Engineer
State Ground and Surface Water Resource Date Centre
Tharamani
Chennai-600 113

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to include the qualification for the post of Assistant Geophysicsts offered by Manomaniam Sundaranar University to the post of Assistant Geophysicsts in the Adhoc rules



W.P.(MD)No.8958 of 2024

for the posts of Assistant Geologist, Assistant Geophysicist and Assistant Geochemist in the Ground Water Wing in Tamil Nadu Engineering Subordinate Service by considering the representation dated 12.01.2024.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 12.01.2024 to include the qualification for the post of Assistant Geophysicists offered by Manomaniam Sundaranar University to the post of Assistant Geophysicists in the Adhoc rules for the posts of Assistant Geologist, Assistant Geophysicist and Assistant Geochemist in the Ground Water Wing in Tamil Nadu Engineering Subordinate Service. Since the said representation was not considered, the present writ petition has been filed.



W.P.(MD)No.8958 of 2024

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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given a direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the 2nd respondent herein to consider the petitioner's representation dated 12.01.2024 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the concerned respondent to consider the same on its own merits.



W.P.(MD)No.8958 of 2024

5. With the above direction, the Writ Petition stands disposed of. No

costs.

10.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
kpr

To

- 1.The Secretary,
The State of Tamil Nadu
Public Works Department
Secretariat, Fort St.George
Chennai.
- 2.The Additional Chief Secretary to Government
Water Resource Department
Secretariat, Fort St.George
Chennai.
- 3.The Chief Engineer
State Ground and Surface Water Resource Date Centre
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W.P.(MD)No.8958 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.8958 of 2024

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