



W.P.(MD).No.7913 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7913 of 2024

Kanimozhi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department, Secretariat,
Chennai.

2.The Director General of Police,
O/o. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 2 and 3 to appoint the petitioner as Junior Assistant from the date of her initial appointment viz. 29.07.2019 F.N. by considering her education qualification as per the G.O.Ms.No.1499, Labour and Employment (Q1) Department dated 03.08.1989 and further to grant all accrued attendant benefits to the petitioner, within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.S.Jeyakarthik

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents 2 and 3 to appoint the petitioner as Junior Assistant from the date of her initial appointment viz. 29.07.2019 F.N. by considering her education qualification as per the G.O.Ms.No.1499, Labour and Employment (Q1) Department dated 03.08.1989 and further to grant all accrued attendant benefits to the petitioner, within the time limit that may be stipulated by this Court.

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

3. The petitioner's father one Rajendran worked as Head Constable in Thiruppuvanam Police Station, Sivagangai District. While in service, he died on 06.09.2006. The petitioner made an application seeking appointment on compassionate ground on 28.03.2007. However, the same was rejected by the department on the ground that the petitioner was a minor at the time of



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submission of application. Challenging the same, writ petition in W.P(MD)No. 2211 of 2014 has been filed and this Court by an order, dated 21.08.2018 directed the respondents to consider the representation of the petitioner. Pursuant to the same, she was appointed as Office Assistant by the 3rd respondent on 23.07.2019. The petitioner possesses the qualification of M.Sc (Physics), B.Ed. In view of the same, she made a representation to the 3rd respondent in person on 01.09.2021 requesting him to appoint her as Junior Assistant from the date of her initial appointment as per G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989. Thereafter, she has sent a representation, dated 02.09.2021 to the respondents 2 & 3 in this regard. Yet another representation was made by the petitioner on 26.12.2023. Since the same were not considered, this 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-consideration of the representation made by the Statutory Authority would



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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. Considering the limited scope of the relief sought for, this Court hereby direct the 3rd respondent to consider the representation of the petitioner, dated 26.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
gbg

To

- 1.The Secretary to Government,
Home Department, Secretariat,
Chennai.
- 2.The Director General of Police,
O/o. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.



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3. The Superintendent of Police,
Sivagangai District,
Sivagangai.



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L.VICTORIA GOWRI, J.

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