



W.P.(MD)No.10338 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10338 of 2024

and

W.M.P.(MD).Nos.9301 and 9303 of 2024

S.Sivakumar

... Petitioner

Vs.

1.The Vice Chancellor,
Madurai Kamaraj University,
Madurai 625 021.

2.The Registrar,
Madurai Kamaraj University,
Madurai 625 021.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to consider the candidature of the petitioner for promotion from the post of Associate Professor (Stage IV) to Professor (Stage V) under Career Advancement Scheme, in pursuant to the Notification dated 16.12.2022, by considering the representation of the petitioner, dated 12.02.2024.



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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.T.Cibi Chakraborty
Standing counsel

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to consider the candidature of the petitioner for promotion from the post of Associate Professor (Stage IV) to Professor (Stage V) under Career Advancement Scheme, pursuant to the Notification dated 16.12.2022, by considering the representation of the petitioner, dated 12.02.2024.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.T.Cibi Chakraborty, learned Standing counsel appearing for the respondents.

3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



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4. The petitioner was appointed as Assistant Professor in the Department of Organic Chemistry, School of Chemistry (level 10/stage 1), on 24.03.2010. Subsequently, he was promoted to level 12/stage III in the post of Assistant Professor on 11.05.2017. Thereafter, he was promoted as Associate Professor on 11.05.2020. The respondent University vide Notification dated 16.12.2022, called for applications for effecting promotion in all stages inclusive of the promotion to the post of Professor (Academic Level 14). The petitioner has submitted his application on 27.01.2023 and secured 272.8 marks. As such, he is eligible to attend the interview. However, he was not called for interview, which was scheduled on 13.02.2024. Hence, he made a representation to the respondents on 12.02.2024. Since the said representation has not been considered so far, the petitioner has filed the present writ petition.

5. Be that as it may, 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 them to consider the same on their own merits and pass



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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 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 with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 12.02.2024 and pass appropriate orders, on merits and in accordance with law, within a period of eight 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 respondents to consider the same on its own merits.



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7. With the above direction, this Writ Petition is disposed of.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

26.04.2024

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

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To

1.The Vice Chancellor,
Madurai Kamaraj University,
Madurai 625 021.

2.The Registrar,
Madurai Kamaraj University,
Madurai 625 021.



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