



WP(MD) No.11544 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11544 of 2024
and
W.M.P(MD)No.10289 of 2024

Regunathan

... Petitioners

Vs.

1.The State of Tamil Nadu

Rep. by its The Additional Chief Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

2.The Managing Director

State Express Transport Corporation (SETC) Tamilnadu Ltd,
No.2, Pallavan Salai,
Thiruvalluvar House,
Chennai - 600 002.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent to consider the candidature of the petitioner for the post of Driver-cum-conductor (DCC) based on his qualification and his marks obtained in the written and practical examinations held vide the 2nd respondent's notification No.01/SETC/2023 and to permit the petitioner to participate in the next level of selection process so as to enable him to get appointment to post of Driver-cum-Conductor (DCC) by considering the petitioner's representation dated 02.04.2024.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.M.Lingadurai – for R1

Special Government Pleader

Mr.S.C.Herold Singh – for R2



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ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the 2nd respondent to consider the candidature of the petitioner for the post of Driver-cum-conductor (DCC) based on his qualification and his marks obtained in the written and practical examinations held vide the 2nd respondent's notification No.01/SETC/2023 and to permit the petitioner to participate in the next level of selection process so as to enable him to get appointment to the post of Driver-cum-Conductor (DCC) by considering the petitioner's representation dated 02.04.2024.

2. Heard Mr.M.S.Jeyakarthik, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the first respondent and Mr.S.C.Herold Singh, learned counsel appearing for the second respondent.



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

4. The petitioner herein had given a representation to the second respondent on 02.04.2024 seeking to consider his qualification and the marks obtained by him in the examination held on 19.11.2023, vide second respondent's notification No. 01/SETC/2023 and to provide appointment for the post of Driver cum Conductor. Since the said representation was not considered by the respondents so far, the present writ petition has been 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



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derelection 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 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 second respondent herein to consider the petitioner's representation dated 02.04.2024 on its own merits and pass appropriate orders 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 second respondent to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2024

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

RM



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To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu
Transport Department,
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Chennai - 600 009.
- 2.The Managing Director
State Express Transport Corporation (SETC) Tamilnadu Ltd,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11544 of 2024

Dated:
03.06.2024