



W.P.(MD).No.21132 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21132 of 2021

S.Murugesan,

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
St. George Fort,
Chennai.

2.Madurai Kamaraj University,
Rep. by its Registrar,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to promote the petitioner as Professor, with effect from 16.07.2013, with all attended benefits thereon, as under Career Advancement Scheme, by counting the petitioner's past service of Associate Professor in the Chemistry Department, in the 2nd respondent University.



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For Petitioner : Mr.R.Suriyanarayanan
For R-1 : Mr.M.Sarangan,
Additional Government Pleader
For R-2 : Mr.T.Cibichakkraborthy

ORDER

This writ petition has been filed seeking direction to the 2nd respondent to promote the petitioner as Professor, with effect from 16.07.2013, with all attended benefits thereon, as under Career Advancement Scheme, by counting the petitioner's past service of Associate Professor in the Chemistry Department, in the 2nd respondent University.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a Reader in Chemistry (Specialization in Nano Science / Nanotechnology), in the 2nd respondent University on 06.06.2007 and he joined service on 16.07.2007 under Career Advancement Scheme. He was promoted as a Professor with effect from 31.05.2016. He made a representation on 30.09.2021 to promote him as Professor with effect from



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16.07.2013 with all attended benefits thereon, as under Career Advancement Scheme, by counting the petitioner's past service of Associate Professor in the Chemistry Department, in the 2nd respondent University. Since the same was not considered by the respondents, the present writ petition came to be filed.

3. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

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 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.

6. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 30.09.2021 and



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pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

12.07.2024

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

To

The State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
St. George Fort,
Chennai.



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L.VICTORIA GOWRI, J.

Sml

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