



W.P.(MD)No.23092 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.23092 of 2022

Parkavi

... Petitioner

vs.

1.The Secretary to Government,
Higher Education Department,
Fort.St.George,
Chennai - 600 009.

2.The Commissioner of Technical Education,
Guindy, Chennai - 600 025.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to confer the petitioner all monetary and service benefits like salary, increment, promotion etc., with effect from the date on which the respective benefits became due, as per G.O.Ms.No.207 Higher education (C2) Department 30.09.2016 regularizing the service of petitioner w.e.f 21.04.2008 and proceedings of 2nd respondent in Se.Mu.No. 32944/D3/2006 dated 03.08.2017, declaring probation of petitioner w.e.f. 07.07.2010 on par with and above her juniors.



W.P.(MD)No.23092 of 2022

For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mr.Veerakathiravan,
Additional Advocate General
Assisted by
Mr.T.Amjadkhan
Government Advocate

ORDER

The petitioner herein, who has been working as a Superintendent in the Department of Technical Education (Sub Division), Madurai had given a representation dated 25.08.2022 to the Director of Technical Education, Guindy, Chennai to place her appropriately in the seniority list and grant all the eligible monetary and service benefits to her. Since the said representation was not considered, the present writ petition has been filed.

2. Mr.V.R.Shanmuganathan, learned counsel for the petitioner submitted the second respondent herein passed an order dated 15.09.2022 in Se.Mu.Order No.18559/D3/2022 and it restores the seniority of the petitioner with effect from 2011 prospectively. But, monetary and service benefits were not granted to the petitioner. His submission is that the



W.P.(MD)No.23092 of 2022

delay in regularization of the service of the petitioner is purely on the part of the respondents and hence, the petitioner is entitled to get all monetary and service benefits.

3. 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 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.



W.P.(MD)No.23092 of 2022

WEB COPY

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 25.08.2022 on their own merits and pass appropriate orders in accordance with law, within a period of six 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 their own merits.

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

08.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi

To

- 1.The Secretary to Government,
Higher Education Department,
Fort.St.George, Chennai - 600 009.
- 2.The Commissioner of Technical Education,
Guindy, Chennai - 600 025.



WEB COPY



W.P.(MD)No.23092 of 2022

R.N.MANJULA, J.

mbi

W.P.(MD)No.23092 of 2022

08.04.2024