



W.P.(MD)No.16110 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16110 of 2025

Iyaswamy Pandian

: Petitioner

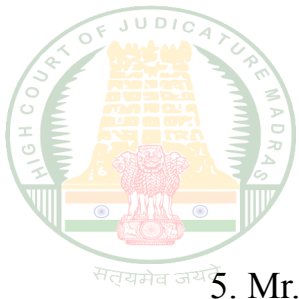
Vs.

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

2. The Director,
Collegiate Education,
No.577, Anna Salai,
Saidapet,
Chennai-600 015.

3. The Assistant Director,
Government Aided Colleges,
No.577, Anna Salai,
Saidapet,
Chennai-600 015.

4. The Secretary,
Vivekananda Educational Society,
Agastheeswaram Post,
Kanyakumari District.



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5. Mr.T.C.Mahesh,
The Principal,
Vivekananda College,
Agastheeswaram,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 not to approve the selection of the fifth respondent as Principal of Vivekananda College, Agastheeswaram, Kanyakumari District by considering the petitioner's representation dated 06.05.2025.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.G.Karthik

for M/s.Roy and Roy Associates

for R4 and R5

Mr.T.Amjad Khan

Government Advocate for R1 to R3

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing respondents 1 to 3 not to approve the selection of the fifth respondent as Principal of Vivekananda College, Agastheeswaram, Kanyakumari District, by considering the petitioner's representation dated 06.05.2025.



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

3.The petitioner claims to be one of the members of the Vivekananda Educational Society, Agastheeswaram. The said society comprises 93 members and is registered with the Registrar of Assurances, Kanyakumari District. The grievance of the petitioner is that, despite the fifth respondent facing serious criminal charges, he has been promoted as Principal of the college run by the aforementioned society. In this regard, the petitioner submitted a representation dated 06.05.2025 to respondents 1 to 4, requesting that they shall not approve the selection of the fifth respondent as Principal. As no action has been taken on the said representation, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.



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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 him 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 dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 06.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.06.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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