



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) .No.18112 of 2019

and

W.M.P. (MD) No.14557 of 2019

Jayabalan

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, Chennai-6.

2.The Chief Educational Officer,
Sivagangai, Sivagangai District.

3.The District Educational Officer,
Sivagangai, Sivagangai.

4.The Disciplinary Authority/The Block
Educational Officer II,
Sivagangai Union,
Sivagangai District.

5.M.Kumaresan

... Respondents

PRAYER:Writ Petition filed under Article 226 of the constitution of India to issue a writ of mandamus, directing the respondents to promote the petitioner as BT Assistant (Chemistry) as per Panel published by the fourth respondent in his proceedings No.Nil dated 01.01.2019 by considering the petitioner representation 08.08.2019 within the period that may be stipulated time.

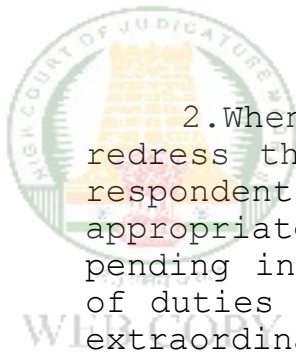
For Petitioner : Mr.P.Venkatasubramanian

For RR1 to 4 : Mr.A.Thiyagarajan
Government Advocate

For RR5 : Mr.T.Lajapathi Roy

O R D E R

The limited prayer sought for by the petitioner is to consider the representation dated 08.08.2019 seeking to promote the petitioner as BT Assistant (Chemistry) as per the Panel published by the fourth respondent, in his proceedings No.Nil dated 01.01.2019.



2. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to dispose the same on its own merit and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to dispose the representation within the stipulated time.

3. In view of the above observations, there shall be a direction to the respondents herein to dispose the petitioner's representation dated 08.08.2019 on its own merits and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as the fifth respondent, who may be an affected party, if any favourable orders are passed to the petitioner. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in his representation.

4. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

sjj

To

1. The Director of Elementary Education, DPI Campus, Chennai-6.
2. The Chief Educational Officer, Sivagangai, Sivagangai District.
3. The District Educational Officer, Sivagangai, Sivagangai.
4. The Disciplinary Authority/The Block Educational Officer II, Sivagangai Union, Sivagangai District.

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-103756[F] dated 06/12/2019
+1 CC to M/s.SPL GP (SR-103839[F] dated 06/12/2019)

W.P. (MD) .No.18112 of 2019
04.12.2019

JMN (18.12.2019) 2P : 7C

<https://hcservices.ecourts.gov.in/hcservices/>