



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD) No.25867 of 2019

1.P.Ananthan
2.R.Tamil Selvi

... Petitioners

/vs./

1.The Secretary,
State Government of Tamil Nadu,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex, Chennai - 600 006.

3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Theni, Theni District.

4.The District Educational Officer,
O/o. The District Educational Officer,
Periyakulam, Theni District.

5.The Block Educational Officer,
O/o. The Block Educational Officer,
Periyakulam, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.3 to 5 to provide mutual transfer to the petitioners within Periyakulam Union from Panchayat Union Primary School, Sriram Nagar for the 1st petitioner to Panchayat Union Primary School, Tamaraikulam and from Panchayat Union Primary School, Tamaraikulam for the 2nd petitioner to Panchayat Union Primary School, Sriram Nagar within the time stipulated by this Court.

For Petitioners : Mr.S.Louis
For Respondents : Mr.A.Thiyagarajan
Government Advocate



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2. Though the petitioners have sought for issuance of writ of mandamus to the respondents to provide mutual transfer to the petitioners within Periyakulam Union from Panchayat Union Primary School, Sriram Nagar for the 1st petitioner to Panchayat Union Primary School, Thamaraikulam and from Panchayat Union Primary School, Thamaraikulam for the 2nd petitioner to Panchayat Union Primary School, Sriram Nagar, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made a joint application in this regard, which is said to be pending. If the joint application is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation/joint application is made to a statutory authority to redress the claim of the employee, 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. 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 consider the representation/joint application within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioners' joint application, dated 27.06.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in her representation. It is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar ()

// True Copy //



To:

- 1.The Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 600 009.
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Directorate of Elementary Education,
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 - 3.The Chief Educational Officer,
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Periyakulam, Theni District.
 - 5.The Block Educational Officer,
O/o. The Block Educational Officer,
Periyakulam, Theni District.
- +1 CC to M/s.S.LOUIS, Advocate (SR-103546[F] dated 05/12/2019)
+1 CC to M/s.Special Govt.Pleader (SR-103835[F] dated 06/12/2019)

Order made in
W.P.(MD)No.25867 of 2019
04.12.2019

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SDS (17.12.2019) 3P 8C