



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.25662 of 2019

D. Agnus Kovilpilai

Petitioner

Vs

1. The District Educational Officer
Sankarankoil
Tirunelveli District

2. The Block Educational Officer
Sankarankoil
Tirunelveli District

3. The Co-ordinator
Block Resource Centre
Gomathi Ambal Government Boys
Higher Secondary School Campus
Sankarankoil
Tirunelveli

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to grant permission to study B.Ed., Course and register the same in the petitioner's Service Register and register the profile of the petitioner in Educational Management Information System (EMIS) by considering her representation dated 09.08.2019.

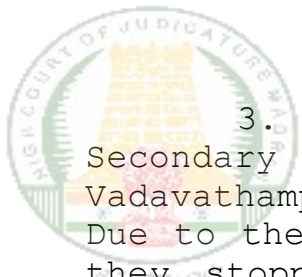
For Petitioner : M/s. V.Panneer Selvam

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

O R D E R

This Writ Petition is filed by the petitioner to direct the second respondent to grant her permission to study B.Ed., Course and register the same in the petitioner's Service Register and register the profile of the petitioner in Educational Management Information System (EMIS) by considering her representation dated 09.08.2019, within a stipulated time frame as fixed by this Court.

2. Mr.C.M.Mari Chelliah Prabhu, Additional Government Pleader takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, she was appointed as Secondary Grade Teacher at Hindu Harijan Middle School, Vadavathampatti, Sankarankoil Union, Tirunelveli, on 05.02.2007. Due to the dispute between the management and the village people, they stopped to send their wards to the school and only five students alone continued their studies. Subsequently, all the five students also got their transfer certificates. Hence, the petitioner made a request stating the fact to the District Elementary Educational Officer, Tirunelveli and the same was considered and she was posted at Panchayat Union Middle School, Vadanathampatti on deputation. Further, she was transferred to Panchayat Union Middle School, Manaloor, Sankarankoil union, on 31.05.2019 and continuing her service till today. While the petitioner made a representation to grant permission to study B.Ed., Course and to register the same in her Service Register and also register her profile in Educational Management Information System (EMIS) on 09.08.2019, no action has been taken by the respondents so far. Hence, the petitioner has approached this Court by way of filing the present Writ petition.

4. At this juncture, this Court wants to mention here that whenever the representation of this nature is made to the Statutory authority for redressing the claim of the petitioner, there shall be a duty cast upon the concerned 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 duty and thereby this Court would be justified in invoking its extraordinary power under Article 226 of the Constitution of India and to direct the concerned authorities to consider the representation, within the stipulated time.

5. Moreover, considering the nature of relief sought for in the Writ Petition, this Court directs the second respondent to consider the representation of the petitioner dated 09.08.2019, on merits and pass appropriate orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

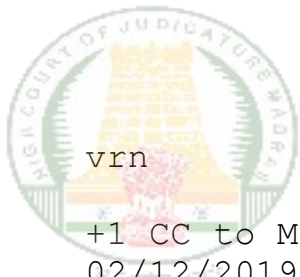
6. With the above direction, this Writ Petition is ordered. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)



+1 CC to Mr.V.P.PANNEER SELVAM, Advocate (SR-103030[F] dated 02/12/2019)

+1 CC to M/s.SPL GP (SR-103587[F] dated 05/12/2019)

W.P. (MD) No.25662 of 2019
02.12.2019

KM/(26.12.2019) 3P 3C