



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.25934 of 2019

and

W.M.P. (MD) No.22456 of 2019

WEB COPY

L.Vijayakumar

... Petitioner

/vs./

1.State of Tamil Nadu,
rep., by its Principal Secretary,
Department of School Education,
Secretariat, Fort.St.George,
Chennai.

2.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai-6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to revise the seniority panel drawn for the post of Higher Secondary School Headmaster by considering the objections of the petitioner and include the petitioner's name in the Seniority Panel for promotion to the post of Higher Secondary School Headmaster as on 01.01.2019 in the light of the judgment of this Court in W.P.No.4991 of 2015 dated 30.07.2019 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

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.

2. Though the petitioner has sought for issuance of writ of mandamus to the respondents to revise the seniority panel drawn for the post of Higher Secondary School Headmaster and include the petitioner's name in the promotion list, if the representation given by the petitioner to the respondents, is directed to be considered, the petitioner would be satisfied.

3. The petitioner would submit that he has already made representation on 29.11.2019 in this regard, which is said to be

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pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. 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 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 within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 29.11.2019, 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 its view with regard to the claim made by the petitioner in his representation and 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

Rmk

To:

1.The Principal Secretary,
Department of School Education,
Secretariat, Fort.St.George,
Chennai.

2.The Director of School Education,
Directorate of School Education,
DPI Campus, Chennai-6.

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-103765[F] dated
06/12/2019)

Order made in
W.P.(MD) No.25934 of 2019

Dated:05.12.2019

(3/3)