



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.12.2019**
CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.26916 of 2019 and
WMP (MD) No. 23268 of 2019

R.Arunachalathammal

... Petitioner

/vs./

- 1.The Chief Educational Officer,
Madurai District,
Madurai - 625 002.
2. The District Educational Officer,
Usilampatti Educational District,
Usilampatti - 625 532,
Madurai District.
3. The Block Educational Officer,
Chellampatti Block Educational Office,
Chellampatti - 625 514,
Madurai District.
4. The District Educational Officer,
Melur Educational District,
Melur,
Madurai District.
5. The Block Educational Officer,
Madurai East Block Educational Office,
Tallakulam,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2,4 & 5 to consider the petitioner's representation dated 11.10.2019 and re-transfer the petitioner to the arising vacancy of B.T. Teacher (Science), on the relief of Tmt.R.Vallimayil, B.T. Teacher (Science), Panchayat Union Middle School, Kunnathur, Madurai East Block on retirement on 31.05.2020, in accordance with the condition No.6 in the transfer order dated 10.07.2019 issued by the second respondent.

For Petitioner : Mr.A.Thirumurthy
For Respondents : Mr.A.Thiyagarajan
Government Advocate



O R D E R

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. The limited prayer sought for by the petitioner is that to issue a direction to the respondents 2, 4 & 5 to consider the petitioner's representation dated 11.10.2019 and re-transfer the petitioner to the arising vacancy of B.T. Teacher (Science), in Panchayat Union Middle School, Kunnathur, Madurai East Block.

3. 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 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 consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 11.10.2019 on its own merits and pass appropriate orders within a period of six (6) 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 her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar

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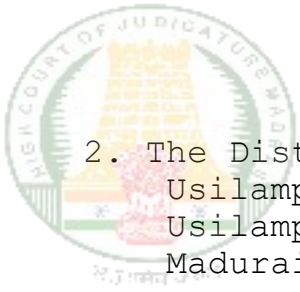
Sub Assistant Registrar(CS)

Rmk

To

1.The Chief Educational Officer,
Madurai District,
Madurai - 625 002.

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



2. The District Educational Officer,
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Madurai - 625 002.

+1 CC to Mr.A.THIRUMURTHY, Advocate (SR-105633[F] dated
18/12/2019)

+1 CC to SPL.GP (SR-105922[F] dated 19/12/2019)

Order made in
W.P.(MD) No.26916 of 2019 and
WMP (MD) No. 23268 of 2019
Dated:18.12.2019

MK (28.01.2020) 3P 8C