



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2020**

CORAM:

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

W.P. (MD) No.1344 of 2020

S.T.Rathinasamy

... Petitioner

/vs./

1.State of Tamilnadu,
represented by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai 9.

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

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to cancel the temporary relinquishment of petitioner's promotion to the post of Higher Secondary School Headmaster and grant promotion to the petitioner in the post of Higher Secondary School Headmaster at Government Higher Secondary School, Naranapuram, Virudhunagar District or in the alternative to include the petitioner in the promotion panel for the post of Headmaster Higher Secondary School as on 01/01/2020 and permit the petitioner to participate in the upcoming promotion counseling to the post of Higher Secondary School Headmaster by considering the representation of the petitioner dated 04/01/2020

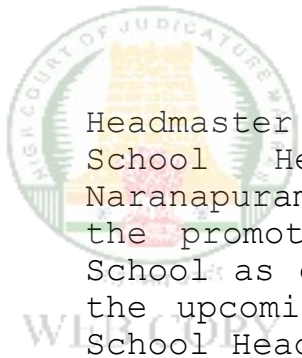
For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.M.Karuppasamy
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 cancel the temporary relinquishment of petitioner's promotion to the post of Higher Secondary School



Headmaster and grant promotion in the post of Higher Secondary School Headmaster at Government Higher Secondary School, Naranapuram, Virudhunagar District or to include the petitioner in the promotion panel for the post of Headmaster Higher Secondary School as on 01.01.2020 and permit the petitioner to participate in the upcoming promotion counseling to the post of Higher Secondary School Headmaster, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3.The petitioner would submit that he has already made representation on 04.01.2020 in this regard, which is said to be 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 second respondent herein to consider the petitioner's representation, dated 04.01.2020, 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. 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Principal Secretary,
Department of School Education,
Fort St.George,
Chennai 9.
- 2.The Director of School Education,
DPI Campus,
College Road,
Nungampakkam,
Chennai 6.
- 3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tuticorin District.

+1 CC to SPL.GP (SR-3178[F] dated 27/01/2020)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-3118[F] dated 27/01/2020)

**W.P. (MD) No.1344 of 2020
24.01.2020**

VB(06.02.2020) 3P 6C