



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1463 of 2020

M.R.Jaya Suruthi

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 009.

3.The District Educational Officer,
Kanyakumari District.

4.The Additional Assistant Elementary
Educational Officer,
Educational Officer,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to give appointment to the petitioner on compassionate ground to any suitable post according to her qualification based on the petitioner's representation dated 22.09.2016 within the time stipulated by this Court.

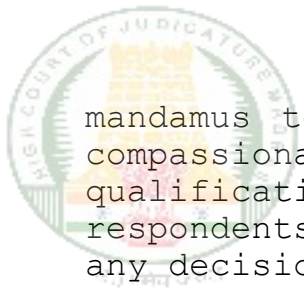
For Petitioner : Mr.M.Murugan

For Respondents : Mr.M.Karuppasamy
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.

2. Though the petitioner has sought for issuance of writ of



mandamus to direct the respondents to give appointment to her on compassionate ground to any suitable post according to her qualification, 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.

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3. The petitioner would submit that he has already made representation on 22.09.2016 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 first respondent herein to consider the petitioner's representation, dated 22.09.2016, 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 her representation and it is for the first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:-

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



2.The Director of School Education,
College Road,
Chennai-600 009.

3.The District Educational Officer,
Kanyakumari District.

4.The Additional Assistant Elementary
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Educational Officer,
Kanyakumari District.

+1 CC to M/s.M.MURUGAN, Advocate (SR-2852[F] dated 24/01/2020)

+1 CC to M/s.SPL.GP (SR-3137[F] dated 27/01/2020)

W.P. (MD) No.1463 of 2020
24.01.2020

JMN(07.02.2020) 3P : 7C