



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2020**

CORAM:

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

W.P. (MD) No.2186 of 2020

and

W.M.P. (MD) No.1842 of 2020

A.Amudha

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
 - 2.The Director of Elementary Education,
Office of the Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
 - 3.The Chief Educational Officer,
Office of the Chief Educational Office,
Trichy, Trichy District.
 - 4.The District Educational Officer,
Office of the District Educational Office,
Lalkudi, Trichy District.
 - 5.The Block Educational Officer-II,
Office of the Block Educational Office,
Manachanallur, Trichy District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd and 4th respondents to accommodate the petitioner in the available vacancy at Panchayat Union Primary School, Kuruvampatti, Manachanallur Union, Trichy District in conformity with paragraph 24(2) of the order dated 25.11.2019 made in W.P.(MD)No.20328 of 2019, within the period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar M/s.Ajmal Associates
For Respondents	: 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 direct the respondents 3 and 4 to consider the petitioner in the available vacancy at Panchayat Union Primary School, Kuruvampatti, Manachanallur Union, Trichy District in conformity with paragraph 24(2) of the order dated 25.11.2019 made in W.P.(MD)No.20328 of 2019, 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 she has already made representation on 26.11.2019 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 respondents herein to consider the petitioner's representation, dated 26.11.2019 in the light of the order passed in W.P.(MD)No.20328 of 2019, dated 25.11.2019, 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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To
1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.

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Office of the Chief Educational Office,
Trichy, Trichy District.

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Lalkudi, Trichy District.

5.The Block Educational Officer-II,
Office of the Block Educational Office,
Manachanallur, Trichy District.

+1 CC to SPL.GP (SR-4760[F] dated 05/02/2020)

+1 CC to M/S.AJMAL ASSOCIATES, Advocate (SR-4898[F] dated
05/02/2020)

Order made in
W.P. (MD) No.2186 of 2020
04.02.2020

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