



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.02.2020**

CORAM:

WEB COPY

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

W.P. (MD) No.2472 of 2020

A.Anne Josephine Femila

... Petitioner

/vs./

1.The State of Tamilnadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Tiruchirapalli,
Tiruchirapalli District.

4.The District Educational Officer,
Tiruchirapalli,
Tiruchirapalli District.

5.The Correspondent,
St.Anne's Girls Higher Secondary School,
Melapudur,
Tiruchirapalli 620 001
Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to regularize the services of the petitioner from her initial date of approval of appointment ie., 19.01.2004 to 01.06.2006 with all consequential monetary and service benefits.

For Petitioner : Mr.T.Cibi Chakraborty

For R1 to R4 : 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 1 to 4 herein to regularize the services of the petitioner from her initial date of approval of appointment ie., 19.01.2004 to 01.06.2006 with all consequential monetary and service benefits, 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 submitted a representation on 13.01.2020 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 third respondent herein to consider the petitioner's representation, dated 13.01.2020, 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 her representation and it is for the third respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai 600 009.
- 2.The Director of School Education,
College Road,
Chennai 600 006.
- 3.The Chief Educational Officer,
Tiruchirapalli,
Tiruchirapalli District.
- 4.The District Educational Officer,
Tiruchirapalli,
Tiruchirapalli District.

+1 CC to M/s.SPL GP (SR-5406[F] dated 10/02/2020)

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-5450[F] dated 10/02/2020)

W.P. (MD) No.2472 of 2020
07.02.2020

JMN(24.02.2020) 3P : 7C