



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

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

W.P. (MD) No.2522 of 2020

and

W.M.P (MD) .No.2168 of 2020

P.Rangavathi

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Department of School Education,
Fort St.George, Chennai 600 006.

2.The Director of Elementary Education,
O/o., The Director of Elementary Education,
College Road, Chennai 600 006.

3.The District Educational Officer,
O/o., The District Educational Officer,
Nagercoil, Kanyakumari District -01. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to regularize petitioner's service in the post of Secondary Grade Teacher with effect from the date of initial appointment 18.10.2004 for the purpose of seniority and extend all the consequential benefits including the monetary benefits within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

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 1 to 3 to regularize petitioner's service in the post of Secondary Grade Teacher with effect from the date of initial appointment 18.10.2004 for the purpose of seniority and extend all the consequential benefits including the monetary benefits, in my view, such a decision is to be taken by the second respondent 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 24.12.2019 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 second respondent herein to consider the petitioner's representation, dated 24.12.2019, 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 second respondent 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(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai 600 006.



2.The Director of Elementary Education,
O/o., The Director of Elementary Education,
College Road, Chennai 600 006.

3.The District Educational Officer,
O/o., The District Educational Officer,
Nagercoil, Kanyakumari District -01.

+1 CC to M/s.SPL GP (SR-5582[F] dated 11/02/2020)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-5801[F] dated
12/02/2020)

Order made in
W.P. (MD) No.2522 of 2020

DB(CO)
TR(20.02.2020) 3P 6C