



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2020**

CORAM:

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

W.P. (MD) No.2583 of 2020

R.Rajeswaran

... Petitioner

/Vs./

- 1.The Director of Elementary Education,
O/o., the Director of School Education,
DPI Campus, Chennai-6.
- 2.The Chief Educational Officer,
O/o., The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
- 3.The District Educational Officer,
O/o., The District Educational Officer,
Paramakudi, Ramanathapuram District.
- 4.The Block Educational Officer I,
O/o., The Block Educational Officer I,
Kamuthi Union, Kamuthi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to drop the disciplinary proceedings initiated against the petitioner pursuant to the proceedings of the third respondent dated 04.01.2019 by considering the explanation submitted by the petitioner in the light of the order passed by this Court in CrI.O.P (MD).No.5263 of 2019 dated 23.04.2019 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Thiagarajan
Government Advocate



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the third respondent to drop the disciplinary proceedings initiated against him pursuance to the proceedings of the third respondent dated 04.01.2019 by considering the explanation submitted by him in the light of the order passed by this Court in Crl.O.P(MD).No.5263 of 2019 dated 23.04.2019, in my view, such a decision is to be taken by the third 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 he has already made representation on 29.01.2020 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 29.01.2020 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 his representation and it is for the third respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

- 1.The Director of Elementary Education,
O/o., the Director of School Education,
DPI Campus, Chennai-6.
- 2.The Chief Educational Officer,
O/o., The Chief Educational Officer,
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Paramakudi, Ramanathapuram District.
- 4.The Block Educational Officer I,
O/o., The Block Educational Officer I,
Kamuthi Union, Kamuthi, Ramanathapuram District.

+1 CC to M/s.Special Govt.Pleader (SR-5586[F]

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-5803[F]

Order made in
W.P.(MD)No.2583 of 2020
10.02.2020

rmk

SDS (18.02.2020) 3P-7C