



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2817 of 2020 and

WMP (MD) No.2382 of 2020

WEB COPY

S.Geetha

Petitioner

Vs

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

2. The Director of Elementary Education,
Nugambakkam,
Chennai - 600 006.

3. The District Educational Officer,
O/o the District Office,
Sivagangai,
Sivagangai District.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the service of the petitioner as Secondary Grade Teachers w.e.f. the date of appointment i.e on 09.08.2004 in the light of the order passed by the first respondent for similarly placed Secondary Grade Teachers in G.O.Ms.(3D) No.78 School Education(G2) Department dated 25.05.2012 by considering the petitioner's representation dated 25.07.2019, within the period stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For Respondents : Mr.A.Thiyagarajan
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 the respondents to regularize the service of the petitioner as Secondary Grade Teachers w.e.f. the date of appointment i.e on 09.08.2004 in the light of the order passed by the first respondent for similarly placed Secondary Grade Teachers



in G.O.Ms.(3D) No.78 School Education(G2) Department dated 25.05.2012, 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 25.07.2019 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 first respondent herein to consider the petitioner's representation, dated 25.07.2019, 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 (AD-I)

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/ /2020

Sub Assistant Registrar(CS)

vrn
To

1. The Chief Secretary
State of Tamil Nadu,
Education Department,
Fort St.George,

<https://hcservices.cherthala.in/hcservices> 009.



2. The Director of Elementary Education,
Nugambakkam,
Chennai - 600 006.

3. The District Educational Officer,
O/o the District Office,
Sivagangai,
Sivagangai District.

+1 CC to SPL.GP (SR-6587[F] dated 17/02/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6837[F] dated
18/02/2020)

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and
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