



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2709 of 2020

R.Ebinesar

... Petitioner

vs.

1.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 Director of Elementary Education,
College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to regularize the services of the petitioner from his initial date of appointment on 12.09.2005 with seniority and all consequential monetary and service benefits in the light of Judgment and order passed in W.P.No.4991 of 2015 dated 30.07.2019 and W.P.No.27923 of 2019 dated 27.11.2019.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.M.Karuppasamy
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 direct the respondents to regularize the services of him from his initial date of appointment on 12.09.2005 with seniority and 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 he has already made a representation on 01.02.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 first respondent herein to consider the petitioner's representation, dated 01.02.2020, 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 his representation and it is for the first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:-

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



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

3.The Director of Elementary Education,
College Road,
Chennai-600 006.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-5906[F] dated 12/02/2020)

+1 CC to M/s.SPL.GP (SR-6132[F] dated 13/02/2020)

order made in
W.P. (MD) No.2709 of 2020
12.02.2020

JMN (03.03.2020) 3P : 6C