



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2020**

CORAM:

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

W.P. (MD) No.2927 of 2020

WEB COPY

S.Samba Moorthi

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

4.The Chief Educational Officer,
Trichy District at Trichy.

5.The District Educational Officer,
Lalgudi,
Trichy District.

6.The Headmaster,
Government Higher Secondary School,
Edumalai Road,
C.Ayyampalayam,
Manachanaloor Union,
Trichy District 621 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reckon the petitioner's service as BT Assistant in English from 01.07.2004 to 31.05.2006 for all his service benefits viz., Seniority, Promotion, Selection Grade and Special Grade etc including his regular scale of pay with effect from 01.06.2006 and disburse all other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

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.

2. Though the petitioner has sought for issuance of Writ of Mandamus to the respondents to reckon the petitioner's service as BT Assistant in English from 01.07.2004 to 31.05.2006 for all his service benefits viz., Seniority, Promotion, Selection Grade and Special Grade, etc including his regular scale of pay with effect from 01.06.2006 and disburse all other monetary 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 submitted a representation on 05.02.2019 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 05.02.2019, on its own merits and pass appropriate orders within a period of six 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

- 1.The 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.
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Trichy District 621 005.

+1 CC to SPL.GP (SR-6613[F] dated 17/02/2020)

+1 CC to MR.S.XAVIER RAJINI, Advocate (SR-6861[F] dated
18/02/2020)

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14.02.2020

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