



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2977 of 2020

WEB COPY

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... Petitioner

/vs./

1.The State of Tamilnadu,
represented by its Secretary to Government,
School Education Department,
St.George Fort,
Chennai - 9.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to regularize the service of the petitioner from the date of initial appointment i.e. from the date of entry into service in the light of judgment made in WP.No.4991 of 2015 dated 30.07.2019 and in the light of Judgment made in WP.No. 27923 of 2019 dated 27.11.2019 and by considering the petitioner's representation dated 25.01.2020, within the period that may be stipulated by this Court.

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

For Respondents : Mr.M.Karuppasamy
Government Advocate

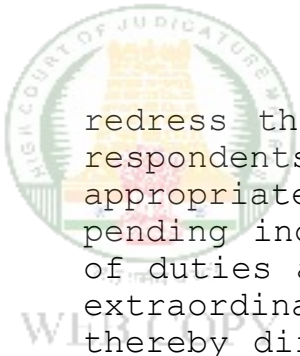
ORDER

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 the first respondent to regularize the services of the petitioner from the date of his initial appointment, 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 25.01.2020 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
<https://hcservices.ecourts.gov.in/hcservices/>



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 25.01.2020, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
School Education Department,
St.George Fort,Chennai - 9.

2.The Director of School Education,
DPI Campus,College Road,
Chennai.

+1 CC to M/s.SPL.GP (SR-6595[F] dated 17/02/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6845[F]

W.P. (MD) No.2977 of 2020

14.02.2020

SMA/26/02/2020/2P/5C