



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.3155 of 2020

WEB COPY

R.Balasubramanian

... Petitioner

/vs./

1.State of Tamil Nadu,
Rep., 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 the services of the petitioner from his initial date of appointment on 16.04.2004 with seniority and all consequential monetary and service benefits in the light of Judgement 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.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 direct the respondents to regularize the the services of the petitioner from his initial date of appointment on 16.04.2004 with seniority and all consequential monetary and service benefits in the light of Judgement 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, in my view, such a decision is to be taken by the first 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

<https://hcservices.ecourts.gov.in/hcservices/>



representation on 08.02.2020 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 first respondent herein to consider the petitioner's representation, dated 08.02.2020, 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 (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

- 1.The Secretary,
State of Tamil Nadu,
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-6932[F] dated 18/02/2020)

W.P.(MD)No.3155 of 2020

18.02.2020

KK/03.03.2020/2P-5C