



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3176 of 2020

WEB COPY

T.Sathiaraj

... Petitioner

/vs./

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

2.The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

4.The District Collector,
Nagercoil,
Kanyakumari District.

5.The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.

6.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

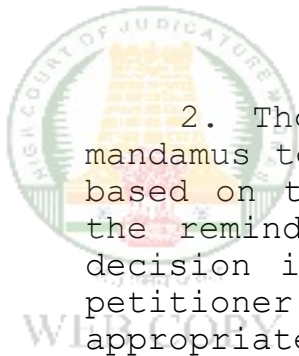
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to conduct a fair enquiry based on the representation of the petitioner dated 20.09.2019 and the reminder representation dated 13.01.2020 and pass orders pursuant to the same within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
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 direct the respondents 1 to 3 to conduct a fair enquiry based on the representation of the petitioner dated 20.09.2019 and the reminder representation dated 13.01.2020, in my view, such a decision is to be taken by the third 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 representations on 20.09.2019, 13.01.2020 and 21.01.2020 in this regard, which are said to be pending. If the said representations are 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 third respondent herein to consider the petitioner's representations, dated 20.09.2019, 13.01.2020 and 21.01.2020, on its own merits and pass appropriate orders within a period of three (3) months 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 representations and it is for the third respondent to consider it in accordance with law. In case the third respondent is of the view that if an enquiry should be proceeded with, due opportunity shall be extended to the petitioner as well as to the person against whom allegation has been made in the complaint, before taking final decision.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-6891[F] dated
18/02/2020)
+1 CC to SPL.GP (SR-7066[F] dated 19/02/2020)

Order made in
W.P. (MD) No.3176 of 2020
Dated:18.02.2020

MK (09.03.2020) 3P 9C