



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2020**

WEB COPY

CORAM:

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

W.P.(MD) No.3520 of 2020

S.Bhuvaneswari

... Petitioner

/vs./

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai-06.

3.The Joint Director of School
Education (VOC), College Road,
Chennai-06.

4.The Chief Educational Officer,
Thallakulam, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to fix the time scale of pay from 09.02.2007 in the light of the G.O.Ms.No.35, School Education Department, dated 09.02.2007 and consequently to regularize the petitioner from 09.02.2007.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.A.Thiyagarajan
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 fix the time scale of pay from 09.02.2007 in the light of the G.O.Ms.No.35, School Education Department, dated 09.02.2007 and consequently to regularize the petitioner from 09.02.2007, 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 representation on 10.02.2020 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 10.02.2020, 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. view with regard to the claim made by the petitioner in her 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 (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.

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



2.The Director of School Education,
College Road, Chennai-06.

3.The Joint Director of School
Education (VOC), College Road,
Chennai-06.

4.The Chief Educational Officer,
Thallakulam, Madurai.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-7623[F] dated 21/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-7784[F] dated 24/02/2020)

Order made in
W.P. (MD) No.3520 of 2020

rmk

SDS (05.03.2020) 3P-7C