



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2020**

CORAM:

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

W.P.(MD) No.3453 of 2020

WEB COPY

A.Franklin Raj

... Petitioner

/vs./

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Tirunelveli District.

3.The Correspondent,
ST.Xavier's Higher Secondary School,
Palayamkottai, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to approve the appointment of the petitioner as B.T.Assistant English from the date of appointment i.e., 02.07.2015 with salary and all other consequential benefits from the date of appointment by considering the representation of the petitioner dated 11.05.2019.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Karuppasamy

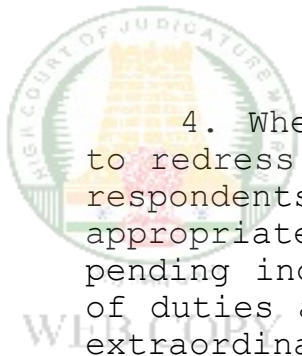
Government Advocate (for R1 & R2)

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 and 2 to approve the appointment of the petitioner as B.T.Assistant English from the date of appointment i.e., 02.07.2015 with salary and all other consequential benefits from the date of appointment, 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 11.05.2019 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 first respondent herein to consider the petitioner's representation, dated 11.05.2019, 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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Tirunelveli District.

+1 CC to SPL.GP (SR-7537[F] dated 21/02/2020)

+1 CC to Mr.V.PANNEERSELVAM, Advocate (SR-7554[F] dated
21/02/2020)

Order made in
W.P. (MD) No.3453 of 2020
20.02.2020

VB (02.03.2020) 2P 5C