



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2020**

CORAM:

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

W.P.(MD) No.3515 of 2020

and

W.M.P(MD).No.2983 of 2020

A.Sudhasantha Kumari

... Petitioner

/vs./

1.State of Tamil Nadu,
rep., by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.

2.The Director of School Education,
O/o., the Director of School Education,
DPI Campus, Chennai 600 006.

3.The Joint Director of School Education,
O/o., The Joint Director of School Education,
DPI Campus, Chennai-6.

4.The Chief Educational Officer,
O/o., The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

5.The District Educational Officer,
O/o., The District Educational Officer,
Tirunelveli, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 5 to permit the petitioner to participate in the General Transfer counseling under priority category as per G.O.(1D).NO.393 School Education [Pa.Ka.5(1)] Department dated 04.10.2019 to opt for the post of BT Assistant (Science) in the Government High School, Therku Karunkulam at Tirunelveli District.

For Petitioner : Mr.T.Lajapathi Roy

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 1 to 5 to permit the petitioner to participate in the General Transfer counseling under priority category as per G.O.(1D).NO.393 School Education [Pa.Ka.5(1)] Department dated 04.10.2019 to opt for the post of BT Assistant (Science) in the Government High School, Therku Karunkulam at Tirunelveli District, in my view, such a decision is to be taken by the fourth 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 she has already made 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 fourth respondent herein to consider the petitioner's representation, dated 08.02.2020, on its own merits and pass appropriate orders within a period of two (2) 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 her representation and it is for the fourth respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
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DPI Campus, Chennai 600 006.
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- 4.The Chief Educational Officer,
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Tirunelveli, Tirunelveli District.
- 5.The District Educational Officer,
O/o., The District Educational Officer,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.Special Govt.Pleader (SR-7780[F]

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-8170[F]

Order made in
W.P. (MD) No.3515 of 2020

rmk

SDS (05.03.2020) 3P-8C