



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

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

W.P. (MD) No.3559 of 2020

WEB COPY

T.Selestin Mary

... Petitioner

/vs./

1.The Director of Elementary Education,
College Road, Chennai 600 009.

2.The Chief Educational Officer,
Kanyakumari District.

3.The District Educational Officer,
Thuckalai, Kanyakumari District.

4.The Block Educational Officer,
Colachel, Kanyakumari District.

5.The Correspondent,
L.M.S.Nursery School,
Neyoor-629 802,
Kanyakumari District.

6.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari
No.71 A, Dennis Street,
Nagercoil.629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 and 4 to disburse the salary of petitioner from the month of September 2018 in the post of Ayah in the fifth respondent school by considering her representations dated 11.05.2019 and 18.06.2019.

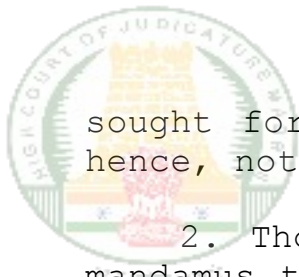
For Petitioner : Mr.B.Christopher

For Respondents : Mr.M.Karuppasamy

Government Advocate (for R1 to R4)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. The relief
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sought for is predominantly against the respondents 3 and 4 and hence, notice to the respondents 5 and 6 is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents 3 and 4 to disburse the salary of petitioner from the month of September 2018 in the post of Ayah in the fifth respondent school, 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 she has already made representation on 18.06.2019 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 third respondent herein to consider the petitioner's representation, dated 18.06.2019, on its own merits and pass appropriate orders within a period of six (6) 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 third 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:

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College Road, Chennai 600 009.

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+1 CC to M/s.B.CHRISTOPHER, Advocate (SR-7732[F] dated 24/02/2020)

+1 CC to M/s.SPL.GP (SR-8068[F] dated 25/02/2020)

Order made in
W.P. (MD) No.3559 of 2020

SGS (CO)
TR(09.03.2020) 3P 7C