



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

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

W.P. (MD) No.3720 of 2020

and

W.M.P (MD) No.3140 of 2020

M.Murugan

... Petitioner

/vs./

1.The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.

2.The District Educational Officer,
Thiruchendhur,
Thoothukudi District.

3.The Secretary,
Hindu Higher Secondary School,
Alwarthirunagari,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the third respondent to consider the petitioner's name for promotion to the post of PG Assistant (Economics) by considering his representation dated 13.05.2019.

For Petitioner	: Mr.P.Samuel Gunasingh
For R-1 and R-2	: 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. Since no adverse order is going to be passed against the third respondent, notice to him is dispensed with.

2.Though the petitioner has sought for issuance of writ of mandamus to direct the third respondent to consider his name for promotion to the post of PG Assistant (Economics), in my view, such a decision is to be taken by the respondents 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 a representation on 13.05.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a stipulated time, the ends of justice could be secured.

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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 13.05.2019, 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 his 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

- 1.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
- 2.The District Educational Officer,
Thiruchendhur, Thoothukudi District.



3.The Secretary,
Hindu Higher Secondary School,
Alwarthirunagari,
Thoothukudi District.

+1 CC to M/s.P.SAMUVEL GUNASINGH, Advocate (SR-8320[F] dated 26/02/2020)

+1 CC to M/s.SPL.GP (SR-8395[F] dated 26/02/2020)

Order made in
W.P. (MD) No.3720 of 2020
Dated: 25.02.2020

SS (CO)
TR(10.03.2020) 3P 6C