



WEB COPY

W.P(MD) No.3973 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2020**

CORAM:

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

W.P. (MD) No.3973 of 2020

and

W.M.P (MD) No.3377 of 2020

A.Lalitha

... Petitioner

/vs./

1.The Director of School Education,
College Road, Chennai.

2.The Joint Director of School Education (Personnel),
O/o the Director of School Education,
College Road, Chennai.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar Post & District.

4.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to consider the petitioner's request Transfer application dated 28.06.2019 under priority quota of having differentlyabled child and transfer the petitioner as Graduate Teacher (Science) from Virudhunagar District to Kanyakumari District under priority quota as per the guidelines mentioned in G.O(D) No.218, school Education Department, dated 20.06.2019.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.T.Thiagarajan

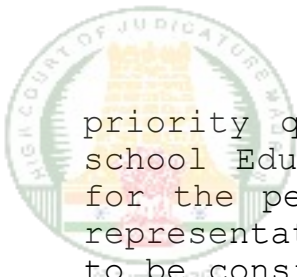
Government Advocate

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 consider her Transfer application dated 28.06.2019 under priority quota of having differentlyabled child and transfer her as Graduate Teacher (Science) from Virudhunagar District to Kanyakumari District under

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



priority quota as per the guidelines mentioned in G.O(D) No.218, school Education Department, dated 20.06.2019, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 28.06.2019 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

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3. 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.

4. In view of the submission made by the petitioner and in the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 28.06.2019, 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 second respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

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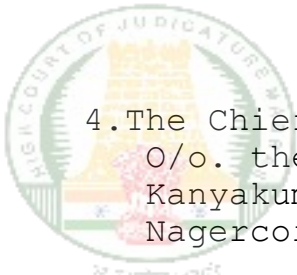
/ /2020

Sub Assistant Registrar(CS)

cp

To:

1. The Director of School Education,
College Road, Chennai.
2. The Joint Director of School Education (Personnel),
O/o the Director of School Education,
College Road, Chennai.
3. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar Post & District.



4.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari District,
Nagercoil.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-8720[F] dated 27/02/2020
+1 CC to M/s.SPL.GP (SR-9123[F] dated 28/02/2020)

Order made in
W.P.(MD)No.3973 of 2020
27.02.2020

KK/12.03.2020/ 3P- 7C

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