



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3770 of 2020

Baliah Marthandam Higher Secondary School,
Avaraikulam 627 133,
Radhapuram Taluk,
Tirunelveli District.
Rep., by its Secretary,
M.Ganesan

... Petitioner

/vs./

1. State of Tamil Nadu,
rep., by its Secretary to the Government,
Education Department,
St.George Fort, Chennai.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
4. The District Educational Officer,
Valliyoore Educational District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to convert the sanctioned post of part time Sweeper as regular post in time scale pay in the petitioner school namely Baliah Marthandam Higher Secondary School, Avaraikulam 627 133, Tirunelveli District by considering the representation by the School dated 18.10.2019.

For Petitioner : Mr.K.K.Kannan
For Respondents : 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.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the first respondent to convert the sanctioned post of part time Sweeper as regular post in time scale pay in the petitioner School namely Baliah Marthandam Higher Secondary School, Avaraikulam, Tirunelveli District, 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 they have already made representation on 18.10.2019 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 18.10.2019, on its own merits and pass appropriate orders within a period of twelve (12) 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 their 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-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1. The Secretary to the Government,
State of Tamil Nadu,
Education Department,
St.George Fort, Chennai.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
4. The District Educational Officer,
Valliyoor Educational District,
Tirunelveli.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-8061[F] dated 25/02/2020)
+1 CC to M/s.SPL.GP (SR-8393[F] dated 26/02/2020)

RMK

TE : 09/03/2020 : 3P/7C

Order made in
W.P. (MD) No.3770 of 2020
25.02.2020