



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

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

W.P. (MD) No.3995 of 2020

M.Kannappan

... Petitioner

/vs./

1.The Chief Educational Officer,
O/o. the Chief Educational Office,
Sivagangai,
Sivagangai District.

2.The District Educational Officer,
O/o. the District Educational Office,
Sivagangai, Sivagangai District.

... 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 consider the petitioner's representation dated 05.02.2020 to award selection grade in the cadre of P.G.Assistant by counting the service rendered by the petitioner in the cadre of B.T.Assistant (Selection Grade) in the light of Letter Ms No.168 P&AR Department dated 28.09.1999 and Letter No.14483/CMPC/2011-1 dated 05.01.2012 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

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.The limited prayer sought for the petitioner is that to consider the representation dated 05.02.2020, seeking to award selection grade in the cadre of P.G.Assistant by counting the service rendered by him in the cadre of B.T.Assistant (Selection



Grade)

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 above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 05.02.2020, on its own merits and pass appropriate orders within a period of eight (8) 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 first respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

To:

1. The Chief Educational Officer,
O/o. the Chief Educational Office,
Sivagangai,
Sivagangai District.
2. The District Educational Officer,
O/o. the District Educational Office,
Sivagangai, Sivagangai District.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-8671[F] dated

27/02/2020)

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



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W.P. (MD) No.3995 of 2020

+1 CC to M/s.SPL.GP (SR-9137[F] dated 28/02/2020)

Order made in
W.P. (MD) No.3995 of 2020

Dated:
27.02.2020

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AP (12.03.2020) 3P 5C