



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

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

W.P.(MD) No.4223 of 2020

Kaliyammal

... Petitioner

/vs./

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Director of Elementary Education,
School Education, DPI Campus,
College Road, Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the first respondent herein to regularize the services of the petitioner from her initial date of appointments till 01.06.2006 with all consequential monetary and service benefits of teachers in the light of the judgment of this Court in W.P.(MD)No.4991 of 2015, dated 03.07.2019 within the time period stipulated by this Court.

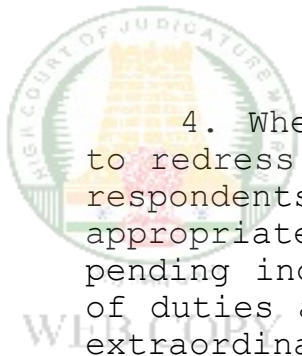
For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.M.Karuppasamy,
Government Advocate.

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 the first respondent to regularize the services of her from her initial date of appointment till 01.06.2006 with all consequential monetary and service benefits of teachers, 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 she has already made a representation on 19.02.2020 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.



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 19.02.2020, 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 her 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Director of Elementary Education,
School Education, DPI Campus,
College Road, Chennai-600 006.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-9304[F] dated 28/02/2020
+1 CC to M/s.SPL GP (SR-9521[F] dated 02/03/2020)

W.P.(MD)No.4223 of 2020
28.02.2020

KK/12.03.2020/ 2P- 6C

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