



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.4370 of 2020

WEB COPY

S.Luckas Antony Samy

.. Petitioner

Vs.

1.The Secretary,
Government of Tamilnadu,
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 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 23.02.2020 within a period as stipulated by this Court.

For Petitioner : Mr.T.Kumar

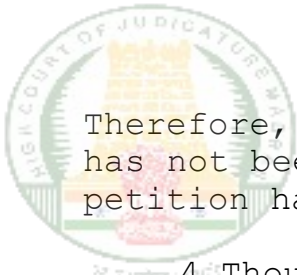
For Respondents : Mr.A.Thiagarajan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 23.02.2020.

2.Mr.A.Thiyagarajan, learned Government Advocate, takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was recruited through direct recruitment during the period between 2003 and 2006, conducted by the Teachers Recruitment Board and he joined as Teacher. The Government has issued G.O.(Ms).No.99, dated 27.06.2006 and regularized his service and through G.O.(Ms).No.100, dated 27.06.2006, his services were regularized with effect from 01.06.2006. Since the petitioner joined as Teacher prior to the issuance of G.O.(Ms).No.100, dated 27.06.2006, his services ought to have been regularized from his initial date of appointment.



Therefore, he made a representation, dated 23.02.2020 and the same has not been considered by the respondents. Hence, the present writ petition has been filed.

4. Though the petitioner has sought for issuance of Writ of Mandamus to the respondents to consider the petitioner for regularizing the services of him from his 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.

5. The petitioner would submit that he has already made a representation on 23.02.2020 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.

6. 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.

7. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 23.02.2020, on its own merits and pass appropriate orders within a period of eight 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.

8. With the above direction, this Writ Petition is disposed of.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar(CS)

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To

1.The Secretary,
Government of Tamilnadu,
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.T.KUMAR, Advocate (SR-9585[F] dated 02/03/2020)

+1 CC to M/s.SPL.GP (SR-9780[F] dated 03/03/2020)

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