



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD).No.13656 of 2020

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M.Kadhar Monnan Mohammed

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai 600 009.

2.The Director of Elementary Education,
College Road,
Chennai 600 009.

3.The Chief Educational Officer,
Virudhunagar 626 001,
Virudhunagar District.

4.The District Educational Officer,
Sivakasi 626 123,
Virudhunagar District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent Principal Secretary to the Government to consider forthwith and pass orders on the appeal submitted by the petitioner's father viz., Mr.Mohammed Buhari (Late) seeking regularisation of his service with time scale of pay in terms of the G.O.Ms.Nos.22 and 74, Personnel and Administrative Department, dated 28.02.2006 and 27.06.2013 respectively.

For Petitioner	: Mr.K.Ragatheesh Kumar for M/s. Isaac Chambers
For Respondents	: Mr.N.Shanmugaselvam Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.



2. This writ petition has been filed challenging the lapse on the part of the first respondent in disposing of the appeal filed by the petitioner's father viz., Mr.Mohammed Buhari (Late), under judicial review by invoking Article 226 of the Constitution of India.

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3. The grievance of the petitioner is that the Director of Elementary Education, College Road, Chennai -9, the second respondent, vide proceedings in Na.Ka.No.4300/J2/2013, dated 26.07.2013, has passed an order, rejecting the request of the petitioner's father to grant time scale of pay. Against the said proceedings, the petitioner's father preferred an appeal before the Principal Secretary, Department of School Education, Fort St. George, Chennai -9, the first respondent, on 06.09.2013 and the same is still pending. Hence, the petitioner has come forward to file this writ petition.

4. The learned counsel appearing for the petitioner submits that after the demise of the petitioner's father, the petitioner has given a detailed representation dated 12.11.2019, to dispose of the appeal filed by his father, on behalf of the petitioner and other legal heirs of the late Mr.Mohammed Buhari.

5. Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents would submit that in the event of any fresh appeal, the same will be considered as per the law.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner has made a detailed representation to the respondents on 12.11.2019, that would suffice, to meet the requirement of the respondents and there is no need to file any fresh appeal by the petitioner once again.

7. On perusal of the records, it is seen that the appeal filed by the petitioner's father is pending for the past seven years and no order has been passed on the representation of the petitioner dated 12.11.2019 as there is a delay on the part of the first respondent in its decision making process. Further, the petitioner made detailed representation on 12.11.2019, to dispose of the appeal filed by his father on behalf of the LRs.

8. For these reasons, this Court directs the first respondent to dispose of the representation dated 12.11.2019 and appeal dated 06.09.2013 on behalf of the LRs. of late Mohammed Buhari, within a period of four weeks from the date of receipt of a copy of this order, on merits and in accordance with law, without any further delay in its decision making process.



9. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID -19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.

2.The Director of Elementary Education,
College Road,
Chennai 600 009.

3.The Chief Educational Officer,
Virudhunagar 626 001, Virudhunagar District.

4.The District Educational Officer,
Sivakasi 626 123,
Virudhunagar District.

+1 CC to Mr.K.Ragatheesh kumar, Advocate (SR-19360[F] dated 07/10/2020)

+1 CC to SGP (SR-19415[F] dated 08/10/2020)

W.P. (MD) .No.13656 of 2020
06.10.2020

SS (CO)

KM (21.10.2020) 3P 7C