



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2020**

CORAM:

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

WEB COPY

W.P.(MD) No.17908 of 2019

and

W.M.P.(MD) Nos.14354 and 14355 of 2019

C.Shanmuganathan

... Petitioner

/vs./

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

2.The Director of School Education,
Nungambakkam, Chennai-6.

3.The Joint Director of School Education Department,
(Higher Secondary)
College Road, Nungampakkam,
Chennai.

... Respondents

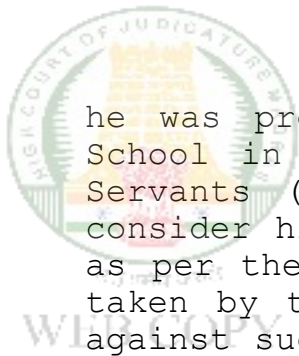
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to fix the seniority of the petitioner in the cadre of District Educational Officer taking into consideration of the date on which the petitioner was promoted to the post of Head Master of Higher Secondary School in conformity with Section 40(3) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, and consequently, to consider the petitioner for promotion to the post of Chief Educational Officer as per the seniority of the petitioner 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

Though the petitioner has sought for issuance of writ of mandamus to fix the seniority of him in the cadre of District Educational Officer taking into consideration of the date on which



he was promoted to the post of Head Master of Higher Secondary School in conformity with Section 40(3) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, and consequently, to consider him for promotion to the post of Chief Educational Officer as per the seniority of him, 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.

2. The petitioner would submit that he has already made representation on 09.04.2019 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.

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 second respondent herein to consider the petitioner's representation, dated 09.04.2019, 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 second respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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To:

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

2.The Director of School Education,
Nungambakkam, Chennai-6.

3.The Joint Director of School Education Department,
(Higher Secondary)
College Road, Nungampakkam,
Chennai.

+1 CC to M/s.SPL.GP (SR-2130[F] dated 21/01/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2307[F] dated
22/01/2020)

Order made in
W.P. (MD) No.17908 of 2019
20.01.2020

JMN(06.02.2020) 3P : 6C