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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.866 of 2019

K.Rathna

...Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The District Educational Officer,
Chidambaram, Cuddalore District.

3.The Block Educational Officer,
Kattumannarkoil - 608 301,
Cuddalore District.

4.The Secretary,
Aided Elementary School,
Keezhapazhanjanallur,
Katturmannarkoil,
Cuddalore District - 608 301.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second Respondent to approve the appointment of the petitioner in the Post of Secondary Grade Teacher with effect from 12.06.2017 by considering the proposal forwarded by the Third Respondent in Na.Ka.No.1085/A1/17 dated 06.09.2017 and grant her all consequential benefits.

For Petitioner : Mr.P.Mohanraj

For R1 to R3 : Mr.K.Tippu Sulthan
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to approve her appointment and grant salary from the date of her initial appointment was



not considered, the present writ petition has been filed. According to the petitioner, she has made representations in this regard on 25.09.2018 and 20.10.2018, which are still pending.

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3. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representations dated 25.09.2018 and 20.10.2018 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representations dated 25.09.2018 and 20.10.2018 on its own merits and pass appropriate orders in accordance with law, within a period of 3 months from the date of receipt of a copy of this order. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

hvk

To

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The District Educational Officer,
Chidambaram, Cuddalore District.



3.The Block Educational Officer,
Kattumannarkoil - 608 301,
Cuddalore District.

4.The Secretary,
Aided Elementary School,
Keezhapazhanjanallur,
Katturmannarkoil,
Cuddalore District - 608 301.

+lcc to M/s.P.Mohanraj, Advocate, S.R.No.34919
+lcc to the Government Pleader, S.R.No.35602

W.P.No.866 of 2019

GJ(CO)
SB(23/08/2021)