



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S. RAMESH

W.P.No.13257 of 2016

V.Maghendiran

...Petitioner

Vs

1. The Director
Elementary Education Department,
Chennai.
2. District Elementary Education Officer,
District Elementary Education Office,
Krishnagiri.
3. Additional Assistant Elementary Education Officer,
Additional Assistant Elementary Education Office,
Uthangarai Union,
Krishnagiri District-635 207.
4. S.Vadivel
5. R.Visalatchi ... Respondents
(R4 and R5 are impleaded as per order dated 28.07.2016 in
W.M.P.No.20562 of 2016 in W.P.No.13257 of 2016.)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire Records of Panel Form 3 dated 01.01.2016 and quash the same with respect to second and third person concern and consequently direct the respondent 1 to 3 to reverse the same by placing the petitioner over and above fourth and fifth respondent in the panel list on the file of third respondent and thus rendered justice.
(Amended as per order dated 16.12.2016 in W.M.P.No.36198/2016 in W.P.No.13257/2016).

For Petitioner : Mr.T.S.Baskaran

For R1 to R3 : Mr.K.V.Sajeev Kumar
Government Counsel

For R4 & R5 : No Appearance



ORDER

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

WEB COPY

2. The petitioner has sent a representation dated 16.02.2016, seeking to correct the panel list for promotion based on the rank obtained in the Teacher's Eligibility Test. Since the said claim of the petitioner was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is 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 first respondent herein to consider the petitioner's representation dated 16.02.2016 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 first respondent to consider the petitioner's representation dated 16.02.2016 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbn



To

1. The Director
Elementary Education Department,
Chennai.
2. The District Elementary Education Officer,
District Elementary Education Office,
Krishnagiri.
3. The Additional Assistant Elementary Education Officer,
Additional Assistant Elementary Education Office,
Uthangarai Union,
Krishnagiri District-635 207.

+1cc to the Government Pleader, S.R.No.34941

W.P.No.13257 of 2016

GSM(CO)
HS(24/08/2021)