

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10440 of 2021

P.Gunasekaran

...Petitioner

Vs

1.The Director of School Education,
DPI Campus, Chennai 600 006.

2.The Chief Educational Officer,
Ariyalur District.

3.The District Educational Officer,
Ariyalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 13.02.2021 and accordingly pay the salary to the petitioner from 01.08.2019 till 20.02.2021 for the post of BT Assistant Social Science when he was denied extension of period of service within a time frame to be fixed by this Court and pass further orders in accordance with the orders of this Court in W.P.No.31755 of 2019 dated 11.11.2019.

For Petitioner : Ms.Dakshayani Reddy

For Respondents: Mr.P.Raja, Government Advocate

सत्यमेव जयते
O R D E R

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

2. Since the petitioner's request to the respondents to pay the salary to the petitioner from 01.08.2019 till 20.02.2021 for the post of BT Assistant, Social Science was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 13.02.2021, which is still pending.

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 second respondent herein to consider the petitioner's representation dated 13.02.2021, 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 representation dated 13.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

sbn

To

1. The Director of School Education,
DPI Campus, Chennai 600 006.

2. The Chief Educational Officer,
Ariyalur District.

3. The District Educational Officer,
Ariyalur District.

+1 CC to The Government Pleader sr 25969.

W.P.No.10440 of 2021

SSV(CO)

SP(30/06/2021)