



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 23.07.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15893 of 2020
and W.M.P.No.19752 of 2020

R.Periyasamy

..Petitioner

-Vs-

- 1.The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Erode District, Erode.
3. The District Educational Officer,
Erode Educational District, Erode District.
4. The Secretary,
Kasthuriba Gram High School,
kasthuriba Gramam, Arachalur Via,
Erode District.

5. Balasubramanian

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to pass orders with direction to the 4th respondent to pay salary to the petitioner towards Subsistence Allowance beyond the statutory period of suspension from February 2020 onwards in lieu of re-instatement or in the alternative to re-instate the Petitioner into service with effect from the date of expiry of statutory period of suspension, with all consequential and other attendant benefits, by considering the representation dated 14.05.2020.

For Petitioner : Mr.G.Sankaran

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

: * **Mr.K.Sathish Kumar** - For R4 & R5

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 disburse the subsistence allowance from February 2020 was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 14.05.2020, 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 14.05.2020 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 14.05.2020 on its own merits and pass appropriate orders in accordance with law, within a period of four 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. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-IX)
27/07/2021

*** Corrected as per letter dated
28/07/2021 and made herein.**

**Sd/-
Assistant Registrar (CS-IX)
02/08/2021**

True Copy

Sub-Assistant Registrar

kst



To

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

2. The Chief Educational Officer,
Erode District,
Erode.

3. The District Educational Officer,
Erode Educational District,
Erode District.

4. The Secretary,
Kasthuriba Gram High School,
kasthuriba Gramam, Arachalur Via,
Erode District.

**To be substituted to
the order already
Despatched on 27/07/2021**

+1 CC to Mr.G.Sankaran, Advocate sr 35402.

+1 CC to The Government Pleader sr 35598.

W.P.No.15893 of 2020

AKII (CO)

SP (27/07/2021)

LS (02/08/2021)