



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23942 of 2019

V.Rani ...Petitioner

Vs

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Director of School Education,
D.P.I.Campus, College Road,
Nungambakkam,
Chennai.
- 3.The Chief Education Officer,
Cuddalore District,
Cuddalore.
- 4.The District Educational Officer,
Cuddalore District, Cuddalore.
- 5.The Block Development Officer,
Mel Bhuvanagiri Post,
Bhuvanagiri Taluk,
Cuddalore 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 claim of the petitioner for absorbing her in regular time scale of pay in the existing vacancies within a reasonable time in the light of G.O.Ms.No.111 School Education (R-1) Department with all consequential benefits and fix the time scale of the petitioner within stipulated period.

For Petitioner : Mr.S.Saravana Kumar

For R1 to R4 : Mr.K.V.Sajeev Kumar,
Government Counsel

For R5 : Mr.B.Anand

ORDER

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



2. The petitioner herein had sent a representation to the fifth respondent on 05.09.2017, requesting special pay in the cadre of Sweeper, which was subsequently forwarded by the fifth respondent to the District Collector, Cuddalore, on 12.12.2017. The petitioner herein had also sent a representation on 21.03.2019 seeking regularization of services and all other monetary benefits. 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 fifth respondent herein as well as the District Collector, Cuddalore, to consider the petitioner's representations dated 05.09.2017 and 21.03.2019 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 fifth respondent and the District Collector, Cuddalore, to consider the petitioner's representations dated 05.09.2017 and 21.03.2019 on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Sbn

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.



2.The Director of School Education,
D.P.I.Campus, College Road,
Nungambakkam,
Chennai.

WEB COPY

3.The Chief Education Officer,
Cuddalore District,
Cuddalore.

4.The District Educational Officer,
Cuddalore District, Cuddalore.

5.The Block Development Officer,
Mel Bhuvanagiri Post,
Bhuvanagiri Taluk,
Cuddalore District.

6.The District Collector,
Cuddalore.

W.P.No.23942 of 2019

AK(CO)
GN(18/08/2021)