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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.01.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.169 of 2021
and
W.M.P(MD) No.138 of 2021

S.Vishnu Sankar,
PG Assistant in Chemistry,
E.M.Government Higher Secondary School,
Panpozhi-627 807,
Tenkasi District. ...Petitioner

Vs

1.The Joint Director of School Education,
(Higher Education),
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Tenkasi District at Tenkasi. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to accommodate the petitioner as PG Assistant in Chemistry in the Government Higher Secondary School, Ayikudi, Tenkasi District from the Government Higher Secondary School, Panpozhi, Tenkasi District, considering the health conditions and hospital.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

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

2.Since the petitioner's request to the respondents to accommodate him as PG Assistant in Chemistry in the Government Higher Secondary School, Ayikudi, Tenkasi District from the Government Higher Secondary School, Panpozhi, Tenkasi District, considering the health conditions and hospital were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 13.10.2020, 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

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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 13.10.2020, within a stipulated time and thereby the ends of justice could be secured.

5.Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 13.10.2020, 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.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Joint Director of School Education,
(Higher Education),
College Road, Chennai-600 006.

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

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-501[F]dated 07/01/2021

+1 CC to M/s.GP (SR-654[F] dated 08/01/2021)

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NS(CO)
KB(18.01.2021) 2P 5C

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