



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.875 of 2021

P.Muthu Velayutham

...Petitioner

Vs

1.The Director,
School Education,
DPI Complex,
Chennai-6.

2.Joint Director (JD-Personal),
School Education,
DPI Complex, Chennai-6.

3.Chief Educational Officer (C.E.O),
Round Road, Dindigul-5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent/C.E.O to consider the petitioner's Application dated 24.05.2013, 20.12.2013 and remainder dated 23.12.2016 to get permission for acquiring higher qualification along with petitioner's school Head Master's recommendations in Na.Ka.No.20/2013, dated 24.05.2013 and Na.Ka.No.91/2020 dated 23.10.2020 respectively and also third respondent/C.E.O's recommendation in Na.Ka.No.2243/AA3/2015, dated 23.12.2015 based on the G.O.(Ms) No.101 by School Education (Budget-I) Department dated 18.05.2018 and within a reasonable time that may be stipulated by this Court.

For Petitioner : Mr.A.B.Natarajan

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 obtain permission for acquiring higher qualification was not considered, the Writ Petition has been filed. According to the petitioner, he has made the applications in this regard on 24.05.2013 and 20.12.2013 which is still pending.



3. It is needless to point out that whenever a representation/application 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/application 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 third respondent herein to consider the petitioner's applications dated 24.05.2013 and 20.12.2013, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the third respondent to consider the petitioner's applications dated 24.05.2013 and 20.12.2013, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Director,
School Education,
DPI Complex,
Chennai-6.

2. Joint Director (JD-Personal),
School Education,
DPI Complex, Chennai-6.

<https://hcservices.ecourts.gov.in/hcservices/>



3.Chief Educational Officer (C.E.O),
Round Road, Dindigul-5.

+1 CC to Mr.A.B.NATARAJAN, Advocate (SR-1702[F] dated 21/01/2021)

+1 CC to GP (SR-1825[F] dated 22/01/2021)

W.P. (MD) No.875 of 2021

21.01.2021

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