



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1127 of 2021
and W.M.P. (MD) .No.980 of 2021

F.Amala Jeeva Karunyam

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Principal Secretary to the Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
 - 2.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
 - 3.The Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.
 - 4.The Director of School Education,
O/o. The Directorate of School Education,
College Road, Nungambakkam,
Chennai - 6.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner for appointment to the post of Special Teacher (Physical Education Teacher) in pursuant to the notification issued by the 3rd respondent vide Notification No.5 of 2017 dated 26.07.2017 treating the petitioner's qualification of B.P.Ed., awarded from the Karnataka Bangalore University as equivalent to that of B.P.Ed Course awarded by the State of Tamil Nadu in the light of the letter issued by the 4th respondent vide his proceedings in Ni.Mu.No.425/D7/2005 dated 27.04.2005 and consequently direct the respondent to appoint the petitioner taking into consideration the marks secured by the petitioner.



For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.N.Shanmuga Selvam
for RR1, 2 & 4
Additional Government Pleader

Mr.VR.Shanmuga Nathan for R3
Special Government Pleader

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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 consider the petitioner for appointment to the post of Special Teacher (Physical Education Teacher) in pursuant to the notification issued by the 3rd respondent vide Notification No.5 of 2017 dated 26.07.2017 treating the petitioner's qualification of B.P.Ed., awarded from the Karnataka Bangalore University as equivalent to that of B.P.Ed Course awarded by the State of Tamil Nadu in the light of the letter issued by the 4th respondent vide his proceedings in Ni.Mu.No.425/D7/2005 dated 27.04.2005 and by taking into consideration the marks secured by the petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 09.12.2020, 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 third respondent herein to consider the petitioner's representation dated 09.12.2020, 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 view 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 third respondent to consider the petitioner's representation dated 09.12.2020, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Principal Secretary to the Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

2.The Secretary,
The State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.

3.The Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.



4.The Director of School Education,
O/o. The Directorate of School Education,
College Road, Nungambakkam,
Chennai - 6.

+1 CC to M/s.GP (SR-2406[F] dated 29/01/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1970[F] dated
25/01/2021)

W.P. (MD) No.1127 of 2021
25.01.2021

SMV (CO)
TR(10.02.2021) 4P 7C