



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.1204 of 2021

S.Ranjani

...Petitioner

Vs.

1.The District Educational Officer,
Trichy District, Trichy.

2.The Secretary,
Boiler Plant Middle School,
Kailasapuram, Trichy.

3.T.Santhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to promote the petitioner to the post of B.T.Assistant in Maths in the place of Mrs.Mahalakshmi, who attained superannuation on 31.08.2019, by considering the representation of the petitioner made to 2nd respondent dated 26.09.2019.

For Petitioner : Mr.M.Prabhakaran

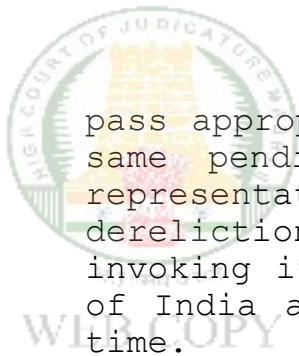
For Respondents : Mr.N.Shanmugaselvam for R1 & R2
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

2.Since the petitioner's request to the respondents to promote the petitioner to the post of B.T.Assistant in Maths in the place of Mrs.Mahalakshmi, who attained superannuation on 31.08.2019, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 26.09.2019, 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 respondents 1 and 2 herein to consider the petitioner's representation dated 26.09.2019, 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 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 respondents 1 and 2 to consider the petitioner's representation dated 26.09.2019, 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 (CS-II)

// 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 District Educational Officer,
Trichy District, Trichy.



2.The Secretary,
Boiler Plant Middle School,
Kailasapuram, Trichy.

+1 CC to SPL GP (SR-5388[F] dated 16/02/2021)

+1 CC to Mr.M.PRABHAKARAN, Advocate (SR-5561[F] dated 17/02/2021)

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VB (01.03.2021) 3P 5C