



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.1421 of 2021

and

W.M.P (MD) No.1214 of 2021

WEB COPY

Thangadurai

...Petitioner

Vs.

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

2.The Director of School Education,
DPI Complex,
College Road,
Chennai-600 006.

3.The District Education Officer,
Manapparai,
Trichy District.

4.The Block Education Officer,
Block Education Office,
Marungapuri at Kovilpatti,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the service of the petitioner with effect from the date of initial appointment or atleast with effect from the date of completion of 10 years of service with all monetary and service benefits as has been done in the case of similarly placed person by considering the petitioner's representation dated 12.03.2020.

For Petitioner : Mr.A.Vadivel

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 regularize his service with effect from the date of initial appointment or atleast with effect from the date of completion of 10 years of service with all monetary and service benefits was not considered, the Writ Petition has been filed. According to the



petitioner, he has made a representation in this regard on 12.03.2020, 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 12.03.2020, 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 12.03.2020, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// 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

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2.The Director of School Education,
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College Road,
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Trichy District.

4.The Block Education Officer,
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Trichy District.

+1 CC to M/s.A.VADIVEL, Advocate (SR-2545[F] dated 01/02/2021)

W.P.(MD) No.1421 of 2021
01.02.2021

SMV(CO)
KB(11.02.2021) 3P 6C