



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M. S. RAMESH**

W.P. (MD) No.1645 of 2021

and

W.M.P (MD) No.1389 of 2021

WEB COPY

The Correspondent,  
C.S.I. V.V.Higher Secondary School for Girls,  
Irenipuram,  
Irenipuram Post,  
Kanyakumari District.

...Petitioner

Vs.

1.The Secretary to Government,  
School Education Department,  
St.George Fort,  
Chennai.

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

3.The Chief Educational Officer,  
Kanyakumari District,  
At Nagercoil.

4.The District Educational Officer,  
Kuzhithurai,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to approve the appointment of S.Vijila in the post of B.T.Assistant (Tamil) from the date of his appointment that is on 01.10.2019 and consequently direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary from the date of appointment that is 01.10.2019 along with interest by considering the proposal resubmitted by the petitioner dated 27.11.2020

For Petitioner : Mr.S.C.Herold Singh  
For Respondents : Mr.A.Thiyagarajan  
Government Advocate

**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.

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2. Since the petitioner's request to the respondents to approve the appointment of S.Vijila in the post of B.T. Assistant (Tamil) from the date of his appointment i.e., 01.10.2019 and to disburse monetary and other attendant service benefits, including payment of arrears of salary from the date of appointment i.e., 01.10.2019 along with interest were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 27.11.2020, 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 and fourth respondents herein to consider the petitioner's representation dated 27.11.2020, 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 and fourth respondents to consider the petitioner's representation dated 27.11.2020, 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/-

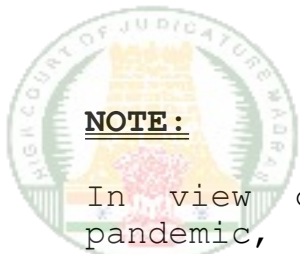
Assistant Registrar (AS)

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/ /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 Secretary to Government,  
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+1 CC to M/s.SPL GP ( SR-3331[F] dated 04/02/2021 )

W.P. (MD) No.1645 of 2021  
02.02.2021

SSS(CO)  
KB(12.02.2021) 3P 6C