



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1573 of 2021

WEB COPY

N.Mohamed Reyasdeen

...Petitioner

Vs.

1.The Director of Elementary Education,
O/o. the Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
O/o. the Chief Educational Office,
Thanjavur, Thanjavur District.

3.The District Educational Officer,
O/o. the District Educational Office,
Pattukkottai, Thanjavur District.

4.Block Educational Officer,
O/o. the Block Educational Office,
Athiramapattinam Road, Pattukkottai,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 27.09.2019 seeking for an appointment on compassionate ground to any of the post commensurate with the petitioner's qualification within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

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.



2. Since the petitioner's request to the respondents to appoint him on compassionate ground to any of the post commensurate with his qualification was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 27.09.2019, 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 first respondent herein to consider the petitioner's representation dated 27.09.2019, 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 first respondent to consider the petitioner's representation dated 27.09.2019, in the light of G.O.(MS).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, 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.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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



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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Thanjavur District.

+1 CC to M/s.GP (SR-3330[F] dated 04/02/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2980[F] dated 03/02/2021)

W.P.(MD) No.1573 of 2021
02.02.2021

SSS(CO)
TR(11.02.2021) 3P 7C