



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2215 of 2021

WEB COPY

- 1.A.Kamalakkannan
- 2.G.Tamilmaran
- 3.S.Eakamparam
- 4.C.Jayalakshmi
- 5.Siva.Malarvizhi
- 6.D.Anuradha

...Petitioners

Vs.

- 1.The Principal Secretary to the Government,
Finance Department, Fort St. George,
Chennai - 9.

- 2.The Principal Secretary to The Government,
School Education Department,
Fort St. George, Chennai - 9.

- 3.The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

- 4.The Joint Director of School Education (Higher Secondary),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to notionally regularize the services of the petitioners with effect from the date of their initial appointment in the post of Junior Lecturers and to bring the petitioners under Old Pension Scheme by way of considering the petitioners' representation dated 29.12.2020 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

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 petitioners' request to the respondents to notionally regularize the services of the petitioners with effect from the date of their initial appointment in the post of Junior Lecturers and to bring the petitioners under Old Pension Scheme, was not considered, the Writ Petition has been filed. According to the petitioner, they have made a representation in this regard on 29.12.2020, 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 second respondent herein to consider the petitioners' representation dated 29.12.2020, 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 second respondent to consider the petitioners' representation dated 29.12.2020, 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.

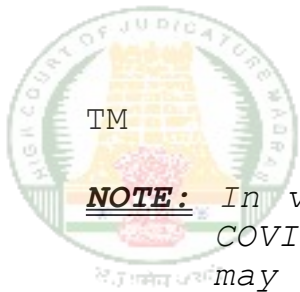
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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,
Finance Department,
Fort St. George,
Chennai - 9.

2.The Principal Secretary to The Government,
School Education Department,
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3.The Director of School Education,
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Chennai - 600 006.

4.The Joint Director of School Education (Higher Secondary),
Directorate of School Education,
DPI Compound, College Road,
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+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-4190[F] dated 10/02/2021)

+1 CC to SGP (SR-4293[F] dated 10/02/2021)

W.P. (MD) No.2215 of 2021
09.02.2021

KM (19.02.2021) 3P 7C