



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

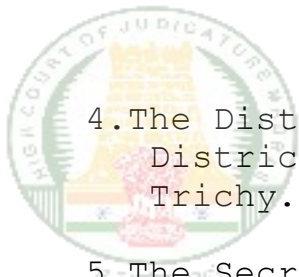
**W.P. (MD) Nos.2276, 2278 to 2280, 2283 to 2288, 2299,
2302 & 2305 of 2021**

WEB COPY

P.Malliga	... Petitioner in WP (MD) . 2276/2021
A.Arivalagan	... Petitioner in WP (MD) . 2278/2021
Veerasamy.S	... Petitioner in WP (MD) . 2279/2021
Lakshmi Narayani.R	... Petitioner in WP (MD) . 2280/2021
Veeramani.P	... Petitioner in WP (MD) . 2283/2021
M.Mohanan	... Petitioner in WP (MD) . 2284/2021
Sukumaran.C	... Petitioner in WP (MD) . 2285/2021
Devapadmavathi.M.R	... Petitioner in WP (MD) . 2286/2021
Ezhilmathy.R	... Petitioner in WP (MD) . 2287/2021
Karpagavalli.G	... Petitioner in WP (MD) . 2288/2021
S.Ranjani	... Petitioner in WP (MD) . 2299/2021
R.Anusuya Devi	... Petitioner in WP (MD) . 2302/2021
R.Jayanthi	... Petitioner in WP (MD) . 2305/2021

Vs.

- 1.The Secretary to the Government,
School Education Department,
Government of Tamil Nadu,
St. George Fort,
Chennai.
- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.
- 3.The Chief Educational Officer,
Chief Educational Office,
Trichy.



4.The District Educational Officer,
District Educational Office,
Trichy.

...RR1 to 4 in all the WPs'

5.The Secretary,
Boiler Plant Girls Higher Secondary School,
Kailasapuram,
Trichy.

...5th Respondent in WP(MD)
No.2276/2021

The Secretary, Vivakanandha Higher Secondary School,
Thirupparai Thurai, Trichy.

... 5th Respondent in WP(MD).
2278/ 2021

The Secretary, Boiler Plant Boys Higher Secondary School,
Kailasapuram, Township, BHEL,Trichy.

... 5th Respondent
in WP(MD). 2279/ 2021

The Secretary, Vivekanandha Higher Secondary School,
Thirupparaithurai, Trichy.

... 5th Respondent in
WP(MD). 2280/ 2021

The Secretary, Boiler Plant Boys Higher Secondary School,
Kailasapuram, Township, BHEL, Trichy.

... 5th Respondent in
WP(MD). 2283/ 2021

The Secretary, Sri Vivakanandha Vidyavanam High School,
Thirupparaithurai, Trichy.

... 5th Respondent in
WP(MD). 2284/ 2021

The Secretary, Sri Vivakanandha Vidyavanam High School,
Thirupparaithurai, Trichy

... 5th Respondent in
WP(MD). 2285/ 2021

The Secretary, Boiler Plant Girls Higher Secondary School,
Kailasapuram, Township, BHEL,Trichy.

... 5th Respondent in
WP(MD). 2286/ 2021

The Secretary, Boiler Plant Girls Higher Secondary School,
Kailasapuram, Township, BHEL,Trichy.

... 5th Respondent in
WP(MD). 2287/ 2021

The Secretary, Boiler Plant Boys Higher Secondary School,
Kailasapuram, Township, BHEL,Trichy.

... 5th Respondent in
WP(MD). 2288/ 2021

The Secretary,Boiler Plant Middle School, Kailasapuram,
Township, BHEL, Trichy.

... 5th Respondent in
WP(MD). 2299/ 2021

The Secretary, Boiler Plant Middle School, Kailasapuram,
Township, BHEL, Trichy.

... 5th Respondent in
WP(MD). 2302/ 2021



The Secretary, Boiler Plant Middle School, Kailasapuram,
Township, BHEL, Trichy.

... 5th Respondent in
WP(MD). 2305/ 2021

Prayer in WP(MD). 2276/ 2021 : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade B.T. Assistant (English), from 24.03.2005 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner's representation, dated 19.01.2021.

Prayer in WP(MD). 2278/ 2021 :

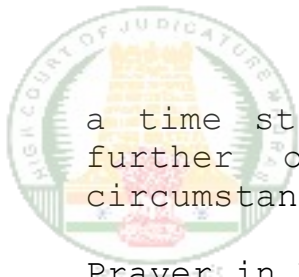
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade Drawing Master, from 15/12/2004 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 18.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2279/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Post Graduate Assistant Teacher (Physics), from 17-12-2004 to 31-05-2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2280/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade B.T. Assistant (English), from 10.03.2005 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 18.01.2021 and pass appropriate orders within



a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2283/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade Drawing Master, from 02-06-2004 to 31-05-2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2284/ 2021 :

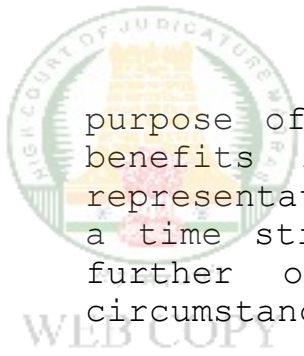
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade B.T.Assistant (Maths), from 19/01/2004 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2285/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Tamil Pandit, from 1.12.2004 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2286/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade B.T.Assistant (Science) from 24.03.2005 to 31.05.2006 notionally for the



purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2287/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Grade B.T.Assistant (Maths), from 3.2.2005 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2288/ 2021 :

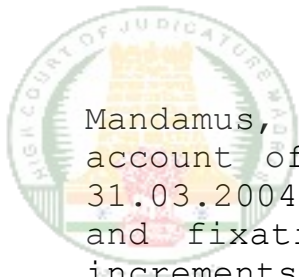
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as PG Assistant Teacher (English) from 08-2-2006 to 31-05-2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2299/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Secondary Grade Assistant Teacher from 31.03.2004 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2302/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of



Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as BT Assistant Teacher from 31.03.2004 to 31.05.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

Prayer in WP(MD). 2305/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents 1 to 4 herein to take into account of the petitioner services as Junior Secondary Grade Assistant Teacher from 31.03.2004 to 31.5.2006 notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, by considering the petitioner representation dated 19.01.2021 and pass appropriate orders within a time stipulated by this Honourable Court and pass such other further orders that may deems fit to the facts and the circumstances of the case and thus render justice.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.N.Shanmuga Selvam,
1 to 4 Additional Government Pleader

O R D E R

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

2.Since the petitioners' request to the respondents to take into account of the petitioners' services as Junior Grade B.T. Assistant from the date of their initial appointment till 31.05.2006, notionally for the purpose of seniority and fixation of other service and monetary benefits including increments, was not considered, these Writ Petitions have been filed. According to the petitioners, they have made representations in this regard on 18.01.2021 and 19.01.2021 respectively, which are 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 petitioners' representations dated 18.01.2021 and 19.01.2021 respectively, 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 petitioners and that it is open to the concerned respondents to consider the same on its own merits.

5. Accordingly, there shall be a direction to the third respondent to consider the petitioners' representations dated 18.01.2021 and 19.01.2021, 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, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// 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 Secretary to the Government,
School Education Department,
Government of Tamil Nadu,
St. George Fort,
Chennai.

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



2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.

3.The Chief Educational Officer,
Chief Educational Office,
Trichy.

4.The District Educational Officer,
District Educational Office,
Trichy.

+1 CC to Mr.D.NALLA THAMBI, Advocate (SR-4352[F] dated 10/02/2021)

+1 CC to SPL GP (SR-4605[F] dated 11/02/2021)

W.P. (MD) Nos.2276, 2278 to 2280, 2283
to 2288, 2299, 2302 & 2305 of 2021
09.02.2021

KM (22.02.2021) 8P 7C