



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2405 of 2021

M.Samuthirakani,
W/o.Late.Balasubramanian
(Post Graduate Assistant Teacher),
Hindu Nadar Uravinmurai Committee
Higher Secondary School

...Petitioner

Vs.

- 1.The Secretary to the Government,
School Education Department,
Government of Tamilnadu,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Chief Educational Office, Tenkasi.
- 4.The District Educational Officer,
District Educational Office,
Sankarankovil.
- 5.The Secretary,
Hindu Nadar Uravinmurai Committee
Higher Secondary School,
Ariyanayakipuram,
Kadayanallur Taluk,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 herein to take into account of the service of the petitioner's husband Late A.Balasubramanian as Post Graduate Assistant Teacher (Physics) for the period from 26.10.1990 to 31.05.1997 notionally for the purpose of service and pension benefits by considering the petitioner representation dated 07.06.2020 and reminder representation dated 18.12.2020.

For Petitioner

: Mr.V.Meenakshi Sundaram
for Mr.R.Murugan

For Respondents
1 to 4

: 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 take into account of the service of her husband Late A. Balasubramanian as Post Graduate Assistant Teacher (Physics) for the period from 26.10.1990 to 31.05.1997 notionally for the purpose of service and pension benefits was not considered, the Writ Petition has been filed. According to the petitioner, she has made the representations in this regard on 07.06.2020 and 18.12.2020, 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 second respondent herein to consider the petitioner's representations dated 07.06.2020 and 18.12.2020, 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 petitioner's representations dated 07.06.2020 and 18.12.2020, 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.

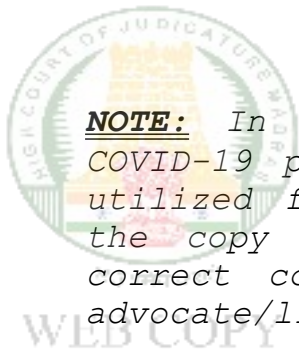
Sd/-

Assistant Registrar (CSIII)

// 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

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