



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3346 of 2021

1.M.Ravichandran
2.G.Sekar
3.S.M.Vasanthi
4.P.Baskar
5.M.Manimaran
6.Tamil Nadu Higher Secondary School Headmasters' Association,
Rep by its President,
M.Ravichandran,
26, Sammuli Home,
2nd Street, Anna Nager,
N.K.Nagar,
Thanjavur-613007.

...Petitioner

Vs.

1.The Principal Secretary to the Government,
Department of School Education,
Fort St.George, Chennai-9.
2.The Additional Chief Secretary to the Government,
Department of School Education,
Fort St.George, Chennai-9.
3.The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai-6.
4.The Joint Director of School Education (Higher Secondary),
O/o. the Joint Director of School Education (Higher Secondary),
DPI Campus, Chennai-6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to include the services rendered in the post of Higher Secondary School Headmaster for the purpose of calculating the Selection Grade of Pay in the post of District Educational Officer within the time period stipulated by this Court.

For Petitioners : 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 include their services rendered in the post of Higher Secondary School Headmaster for the purpose of calculating the Selection Grade of Pay in the post of District Educational Officer was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representation in this regard on 09.01.2021, 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 petitioners' representation dated 09.01.2021, 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 respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioners' representation dated 09.01.2021, 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.

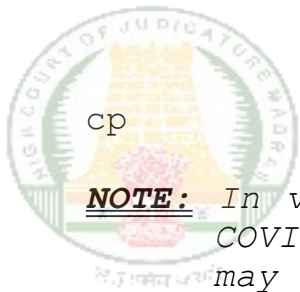
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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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,
Department of School Education,
Fort St.George, Chennai-9.
- 2.The Additional Chief Secretary to the Government,
Department of School Education,
Fort St.George, Chennai-9.
- 3.The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai-6.
- 4.The Joint Director of School Education (Higher Secondary),
O/o. the Joint Director of School Education (Higher Secondary),
DPI Campus, Chennai-6.

+1 CC to SPL GP (SR-6702[F] dated 23/02/2021)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-6763[F] dated 23/02/2021)

W.P. (MD) No.3346 of 2021
22.02.2021

KM (05.03.2021) 3P 7C