



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3405 of 2021

K.Mangalavathi Jeyam Margena

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat,
St. George Fort,
Chennai.

2. The Director of School Education,
O/o The Director of School Education,
DPI Compound, College Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner for promotion to the post of Headmistress of Higher Secondary School taking into consideration of the petitioner's seniority and by considering the petitioner's representation dated 29.01.2021, within a period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran 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 consider the petitioner for promotion to the post of Headmaster of Higher Secondary School taking into consideration of the petitioner's seniority, was not considered, the Writ Petition has



been filed. According to the petitioner, she has made a representation in this regard on 29.01.2021, 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 second respondent herein to consider the petitioner's representation dated 29.01.2021, 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 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 representation dated 29.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 (CO)

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

2. The Director of School Education,
O/o The Director of School Education,
DPI Compound, College Road,
Chennai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6870[F] dated
24/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER (SR-6969[F] dated
24/02/2021)

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AE (16/03/2021) 3P / 5C