



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4266 of 2021

and

W.M.P(MD) Nos.3456 and 3457 of 2021

WEB COPY

R.Arumugavadivu

...Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
Seranmahadevi Educational District,
Tirunelveli District.

4.The Block Educational Officer,
Seranmahadevi Union,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pass orders granting promotion to the petitioner to the post of Middle School Headmaster or B.T.Assistant based on her eligibility and seniority on par with juniors based on the panel prepared as on 01.01.2020 and 01.01.2021 following year wise panel as per rules, by considering the representation submitted by the petitioner dated 27.11.2020 within a time frame to be fixed by this Court.

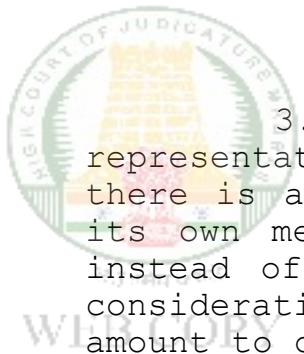
For Petitioner : Mr.T.Chandrasekaran

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 grant promotion to him to the post of Middle School Headmaster or B.T.Assistant based on her eligibility and seniority on par with juniors was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 27.11.2020, 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 first respondent herein to consider the petitioner's representation dated 27.11.2020, 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 first respondent to consider the petitioner's representation dated 27.11.2020, 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// 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 Director of Elementary Education,
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Chennai-600 006.



2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
Seranmahadevi Educational District,
Tirunelveli District.

4.The Block Educational Officer,
Seranmahadevi Union,
Tirunelveli District.

+1 CC to M/s.T.CHANDRA SEKARAN, Advocate (SR-7873[F] dated
01/03/2021)

+1 CC to M/s.SPL GP (SR-8152[F] dated 02/03/2021)

W.P. (MD) No.4266 of 2021
01.03.2021

ES (CO)
KB(16.03.2021) 3P 7C