



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4684 of 2021

and

W.M.P (MD) No.3796 of 2021

A.Geetha

...Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Director of School Education,
DPI Campus, Nungambakkam,
Chennai-600 006.

3.The Joint Director (Higher Secondary Education),
DPI Campus, Nungambakkam,
Chennai-600 006.

4.The Chief Educational Officer,
Tallakulam, Madurai-600 002.

5.The District Educational Officer,
Thirumangalam Educational District,
Boys Board High School Campus,
Tirumangalam, Madurai District-625 706.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to appoint the petitioner to the post of Post Graduate Teachers, by transfer from the post of B.T.Assistant (English), as called for by him in proceedings Na.Ka.No.2812/W3/E1/2021, dated 17.02.2021, if she is otherwise eligible, without rejecting her claim on the ground of simultaneous degrees.

For Petitioner : Mr.S.Ramsundarvijayraj
for Veera 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 appoint her to the post of Post Graduate Teachers, by transfer from the post of B.T. Assistant (English), as called for by them in proceedings in Na.Ka.No.2812/W3/E1/2021, dated 17.02.2021, if she is otherwise eligible, without rejecting her claims on the ground of simultaneous degrees was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 26.02.2021, 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 respondents 3 and 5 herein to consider the petitioner's representation dated 26.02.2021, 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 respondents 3 and 5 to consider the petitioner's representation dated 26.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three 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 petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
 - 2.The Director of School Education,
DPI Campus, Nungambakkam,
Chennai-600 006.
 - 3.The Joint Director (Higher Secondary Education),
DPI Campus, Nungambakkam,
Chennai-600 006.
 - 4.The Chief Educational Officer,
Tallakulam, Madurai-600 002.
 - 5.The District Educational Officer,
Thirumangalam Educational District,
Boys Board High School Campus,
Tirumangalam, Madurai District-625 706.
- +1 CC to M/s.SPL GP (SR-9507[F] dated 08/03/2021)
- +1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-9524[F] dated 09/03/2021)

W.P. (MD) No.4684 of 2021
05.03.2021

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