



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5622 of 2021

Tamil Nadu Melnilai Palli Thozhir Kalvi
Kanini Ariviyal Asiriyargal Sangam,
Rep by its Secretary,
C.Christober Thangaraj,
3/87, Periyavilai Salai,
Kottaram-629 703,
Kanyakumari District.

...Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Principal Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-09.

2. The Director of School Education,
DPI Campus,
Chennai-6.

3. The Joint Director of School
Education (Vocational Education),
DPI Campus,
Chennai-6.

... Respondents

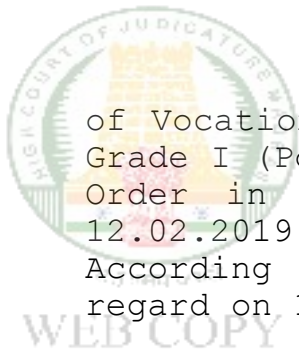
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to upgrade the members of the petitioner's Association who are working in the post of Vocational Instructors (Computer Science) as Computer Instructor Grade I (Post Graduate Cadre) by extending the benefit of Government order in G.O.Ms.No.26 School Education (SE7-1) Department dated 12.02.2019 within the time period stipulated by this Court.

For Petitioner : 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 petitioner's request to the respondents to upgrade the members of his Association who are working in the post



of Vocational Instructors (Computer Science) as Computer Instructor Grade I (Post Graduate Cadre) by extending the benefit of Government Order in G.O.Ms.No.26 School Education (SE7-1) Department dated 12.02.2019 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 18.11.2020, 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 18.11.2020, 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 18.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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)

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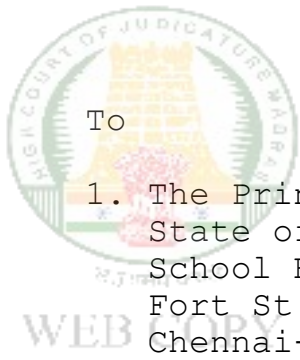
/ /2021

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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State of Tamil Nadu,
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2. The Director of School Education,
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3. The Joint Director of School
Education (Vocational Education),
DPI Campus,
Chennai-6.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-10954[F]dated
15/03/2021)

+1 CC to M/s.SPL GP (SR-11002[F] dated 15/03/2021)

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VB (30.03.2021) 3P 6C