



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.5719 of 2021

S.Antony Jebakkumar

... Petitioner

Vs.

1.The District Elementary Officer,
O/o. The District Educational Officer,
Valliyoor, Tirunelveli District.

2.The Correspondent,
Holy Redeemer's Higher Secondary School,
Tisaiyanvilai Post,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to accord approval from the date of petitioner's initial appointment as B.T. Assistant (Science) i.e. from 13.08.2007 and to sanction his salary for the period from 13.08.2007 to 04.07.2008 based on the representation of the second respondent dated 11.02.2021 in the light of the reported judgment passed by this Court in W.P.[MD]No.1853/2016 dated 22.06.2017 and W.A.[MD] No.201/2020 dated 14.08.2020.

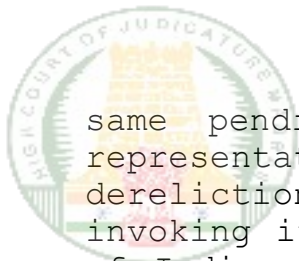
For Petitioner : Mr.K.Sankar
For Respondent No.1 : Mr.N.Shanmugaselvam,
Additional Government Pleader

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 accord approval from the date of petitioner's initial appointment as B.T. Assistant (Science) i.e. from 13.08.2007 and to sanction his salary for the period from 13.08.2007 to 04.07.2008 was not considered, the Writ Petition has been filed. According to the petitioner, the second respondent has sent a representation to the first respondent in this regard on 11.02.2021, 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.

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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 11.02.2021, 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 first respondent to consider the petitioner's representation dated 11.02.2021, 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. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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

The District Elementary Officer,
O/o. The District Educational Officer,
Valliyoor, Tirunelveli District.

+1 CC to M/s.K.SANKAR, Advocate (SR-11427[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11499[F] dated 16/03/2021)

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NA(CO)

TR(08.04.2021) 2P 4C

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