



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6181 of 2021

D.Thanga Lakshmi

... Petitioner

Vs.

- 1.State of Tamil Nadu,
rep. by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai - 9.
- 2.The Director of Elementary Education,
O/o. The Director of Elementary Education,
DPI Campus,
Chennai - 6
- 3.The Joint Director of Elementary Education,
O/o. The Joint Director of Elementary Education,
Ramanathapuram,
Ramanathapuram District.
- 4.The Chief Educational Officer,,
O/o. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to fix the station seniority of the teachers as the criteria while conducting surplus transfer counselling and not to transfer the petitioner on deployment till framing of guidelines for the year 2021-22 and without ascertaining the teacher pupil ratio for the present academic year 2020-21, within the time period stipulated by this court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.N.Shanmuga Selvam
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 fix the station seniority of the teachers as the criteria while conducting surplus transfer counselling and not to transfer the petitioner on deployment till framing of guidelines for the year 2021-22 and without ascertaining the teacher pupil ratio for the present academic year 2020-21, was not considered, the present writ petition has been filed. According to the petitioner, she has made a



representation in this regard on 10.03.2021, 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 first respondent herein to consider the petitioner's representation dated 10.03.2021, 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 10.03.2021, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

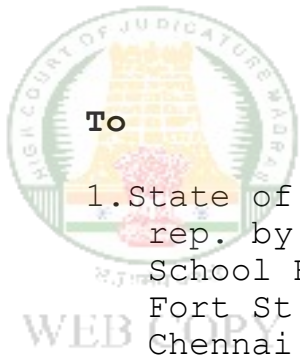
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/ /2021

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.



To

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O/o. The Chief Educational Officer,
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+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-12646[F] dated
22/03/2021)

+1 CC to M/s.SPL GP (SR-12751[F] dated 22/03/2021)

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19.03.2021

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