



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.6471 of 2021

M.Kalyana Kumar

... Petitioner

Vs.

1.The Director of School Education of Tamil Nadu,
DPI Complex,
College Road,
Nungampakkam,
Chennai - 6.

2.The Joint Director (Paniyalar Thoguthi) of School
Education of Tamil Nadu,
DPI Complex,
College Road,
Nungambakkam,
Chennai - 6.

3.The District Chief Education Officer,
Pudukottai,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to transfer the petitioner from Government Higher Secondary School, Andakulam at Pudukottai District to Sivakasi any other Government Higher Secondary School at Virudhunagar District based on the petitioner's representation dated 28.09.2020 and 28.12.2020.

For Petitioner : Mr.PR.Boomirajan
For Respondents : 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 transfer the petitioner from Government Higher Secondary School, Andakulam at Pudukottai District to Sivakasi or any other Government Higher Secondary School at Virudhunagar District was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 28.09.2020 and 28.12.2020, 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 herein to consider the petitioner's representations dated 28.09.2020 and 28.12.2020, 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 respondents to consider the petitioner's representations dated 28.09.2020 and 28.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of six [6] 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

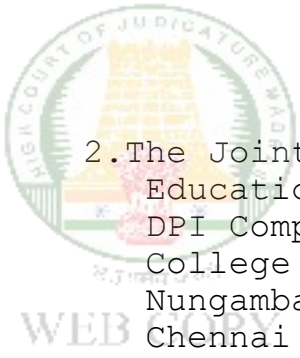
NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

MR

To

1.The Director of School Education of Tamil Nadu,
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<https://hcservices.ecourts.gov.in/hcservices/>



2.The Joint Director (Paniyalar Thoguthi) of School
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3.The District Chief Education Officer,
Pudukottai,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-13241[F] dated 24/03/2021)

+1 CC to M/s.PR BOOMEERAJAN, Advocate (SR-13736[F] dated
25/03/2021)

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GS (27.04.2021) 3P 6C