



WEB COPY

WP(MD) No.6484 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6484 of 2021

and

W.M.P. (MD) Nos.5057 & 5061 of 2021

D.Immanuvel

...Petitioner

Vs.

1.The State of Tamilnadu,
represented by the Secretary to Government,
School Education Department,
Fort St.George,
Chennai.

2.The Director of Elementary Education,
DPI Complex,
College Road,
Chennai.

3.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

4.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

5.The Block Educational Officer-I,
Tiruchuli Block,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to promote the petitioner as Middle School Headmaster in Thiruchuli Block, Virudhunagar District by taking into consideration the petitioner's seniority in the cadre of B.T.Assistant in the light of Section 41 of the TamilNadu Government Servants (Conditions of Service) Act, 2016 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2.Since the petitioner's request to the respondents to promote him as Middle School Headmaster in Thiruchuli Block, Virudhunagar District, was not considered, the writ petition has been filed. According to the petitioner, he has made a representation in this regard on 20.03.2020, 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 3rd respondent herein to consider the petitioner's representation dated 20.03.2020, 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 3rd respondent to consider the petitioner's representation dated 20.03.2020, 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. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// 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.

To

- 1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai.
- 2.The Director of Elementary Education,
DPI Complex,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 4.The District Educational Officer,
Aruppukottai,
Virudhunagar District.
- 5.The Block Educational Officer-I,
Tiruchuli Block,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-13701[F] dated 25/03/2021)

W.P. (MD) No.6484 of 2021

24.03.2021

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(CO)

HB(24.04.2021) 3P 7C