



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.6515 of 2021

K.Sunil Kumar

...Petitioner

Vs.

1.The Joint Director of School Education(HSS)
O/o. the Director of School Education,
No.7, College Road,
Nungambakkam
Chennai 600 008.

2.The Correspondent,
Purushothaman Pillai Memorial
Higher Secondary School,
Anducode Post,
Anducode,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to pass orders on the appeal memorandum dated 09.10.2020 preferred against the penalty of removal from service dated 11.09.2020 on merits and as per law and within the time.

For Petitioner : Mr.N.S.Ramakrishna Dass

For R1 : 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.

2.Since the petitioner's request to the 1st respondent to pass orders on the appeal memorandum dated 09.10.2020 preferred against the penalty of removal from service dated 11.09.2020, was not considered, the writ petition has been filed.

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 1st respondent herein to consider the petitioner's representation dated 09.10.2020, 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 1st respondent to consider the petitioner's representation dated 09.10.2020, 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 (CO)

// True Copy //

/ /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

The Joint Director of School Education (HSS)
O/o. the Director of School Education,
No.7, College Road,
Nungambakkam
Chennai 600 008.

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-13677[F] dated 25/03/2021)

+1 CC to M/s.SPL GP (SR-13700[F] dated 25/03/2021)

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