



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7013 of 2021

S.Dhanabalan

...Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road,
DPI Compound,
Chennai - 600 006.

3.The Chief Educational Officer,
Palani Road,
Dindigul.

4.The District Educational Officer,
Shanmugapuram, Palani,
Dindigul District.

5.The Secretary,
ITO Higher Secondary School,
Ayakudi, Palani,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to count the past services rendered by the petitioner in sanctioned post without grant from 01.11.1989 to 31.05.1994 under the 5th respondent school for the purpose of fixation of pay and other attendant including pensionary benefits in the light of petitioner's representation dated 21.10.2017 to 21.02.2021, within the time stipulated by this court.

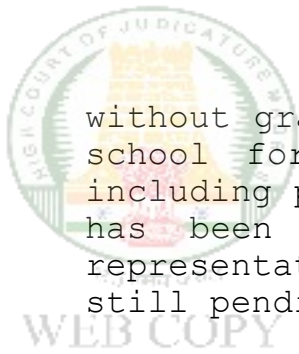
For Petitioner : Mr.K.Balasubramanian

For Respondents : Mr.N.Shanmuga Selvam for R1 to R4
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 count the past services rendered by the petitioner in sanctioned post



without grant from 01.11.1989 to 31.05.1994 under the 5th respondent school for the purpose of fixation of pay and other attendant including pensionary benefits, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representations in this regard on 21.10.2017 to 21.02.2021, 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.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representations dated 21.10.2017 to 21.02.2021, 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 representations dated 21.10.2017 to 21.02.2021, 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)

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 Principal Secretary to Government,
School Education Department, Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road, DPI Compound, Chennai - 600 006.

3.The Chief Educational Officer, Palani Road, Dindigul.

4.The District Educational Officer, Shanmugapuram, Palani,
Dindigul District.

+1 CC to M/s.K.BALASUBRAMANIAN, Advocate (SR-14139[F] dated
29/03/2021)

+1 CC to M/s.SPL GP (SR-14319[F] dated 30/03/2021)

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