



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7400 of 2021

and W.M.P. (MD).No.5588 of 2021

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G.Aariyamala

...Petitioner

Vs.

1.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Secretary,
Kshatriya Nadar Higher Secondary School,
Kamuthi,
Ramanathapuram District.

4.The Headmaster,
Kshatriya Nadar Higher Secondary School,
Kamuthi,
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 record the duty of the petitioner in the register from 05.03.2021 and to allow the petitioner to continue her duty and further direct the Respondents No.1 and 2 to take legal action as against the Respondent Nos.3 and 4 for their coercion and illegal activity as against the petitioner by considering the representation of the petitioner dated 18.03.2021.

For Petitioner : Mr.R.Babu Jaganath

For Respondents : Mr.N.Shanmuga Selvam for R1 & R2
Additional Government Pleader
Mr.V.Panneerselvam for R3 & R4
Standing Counsel

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.This Writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to record the duty of the petitioner in the register from 05.03.2021 and to allow the



petitioner to continue her duty and further direct the Respondents No.1 and 2 to take legal action as against the Respondent Nos.3 and 4 for their coercion and illegal activity as against the petitioner. According to the petitioner, he has made a representation in this regard on 18.03.2021, which is still pending.

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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 representation dated 18.03.2021, 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 respondents to consider the petitioner's representation dated 18.03.2021, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.R.BABU JAGANATH, Advocate (SR-14653[F] dated
31/03/2021)

+1 CC to M/s.SPL GP (SR-14987[F] dated 01/04/2021)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-15045[F] dated
01/04/2021)

W.P. (MD) No.7400 of 2021

31.03.2021

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