



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.10559 of 2020

WEB COPY

R.Arulraj

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

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

3.The Joint Director of School Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Thoothukudi, Thoothukudi District-628 002.

5.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District-629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 22.12.2019 seeking to transfer him to any one of the available vacant posts of High School Headmaster in the District of Kanyakumari.

For Petitioner : Mr.P.Muthuvel
for M/s.Isaac Chambers

For Respondents : Mr.A.Thiyagarajan
Government Advocate

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 him to any one of the available vacant posts of High School Headmaster in the District of Kanyakumari was not considered, the Writ Petition has been filed. According to the petitioner, he has made the representations in this regard on 22.12.2019 and 25.02.2020, 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 third respondent herein to consider the petitioner's representations dated 22.12.2019 and 25.02.2020, 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 third respondent to consider the petitioner's representations dated 22.12.2019 and 25.02.2020, on its own merits and pass appropriate orders in accordance with law, within a period of six 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.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The Joint Director of School Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Thoothukudi, Thoothukudi District-628 002.

5.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District-629 001.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-6324[F] dated
19/02/2021)

W.P. (MD) No.10559 of 2020
19.02.2021

(KG)CO
AP(19/02/2021) 3P 7C