



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16659 of 2020

WEB COPY

P.M.Suja Vincila

...Petitioner

Vs.

1.The Chief Educational Officer,
Nagercoil, Kanniyakumari District.

2.The District Educational Officer,
Thiruvattar, Kanniyakumari District.

3.The Correspondent,
Abraham Memorial Higher Secondary School,
Maruthancode & Post - 629 163,
Kanniyakumari District.

4.P.J.Jepa Sheela Christabel.

... Respondents

(fourth respondent impleaded as per the order of this Court dated 25.01.2021 made in W.M.P.(MD).No.430 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to place the petitioner at serial No.11 in the seniority maintained by the 3rd respondent school as per G.O.Ms.No.806 dated 13.07.1978 by considering the representation of the petitioner dated 08.10.2018, 22.01.2019 and 01.09.2019, within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.Thiyagarajan for R1 & R2
Government Advocate

Mr.T.Cibi Chakraborty for R3

Mr.K.N.Thambi for R4

O R D E R

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents 1 and 2, Mr.T.Cibi Chakraborty, learned counsel appearing for the third respondent and Mr.K.N.Thambi, learned counsel appearing for the fourth respondent.



2. Since the petitioner's request to the respondents to place the petitioner at serial No.11 in the seniority maintained by the 3rd respondent school as per G.O.Ms.No.806 dated 13.07.1978, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 22.01.2019, 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 third respondent herein to consider the petitioner's representation dated 22.01.2019, as expeditiously as possible, after affording due opportunity of hearing to both the petitioner as well as the impleaded fourth respondent namely Ms.P.J.Jepa Sheela Christabel, 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 representation dated 22.01.2019, on its own merits and pass appropriate orders in accordance with law, after affording due opportunity of hearing to both the petitioner as well as the impleaded fourth respondent namely Ms.P.J.Jepa Sheela Christabel. The third respondent shall endeavour to pass appropriate orders as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

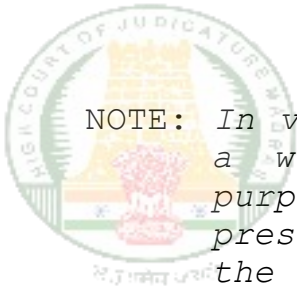
Assistant Registrar (CS II)

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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

WEB COPY

1.The Chief Educational Officer,
Nagercoil, Kanniyakumari District.

2.The District Educational Officer,
Thiruvattar, Kanniyakumari District.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-2439[F] dated
29/01/2021)

+1 CC to M/s.K.N.THAMPI, Advocate (SR-2216[F] dated 27/01/2021)

W.P. (MD) No.16659 of 2020

25.01.2021

NS (CO)

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