



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.18885 of 2020

P.Vinotha

...Petitioner

Vs.

1.The Director, School Education,
DPI Complex, Chennai - 6.

2.The Joint Director (JD-Personal), School education,
DPI Complex, Chennai - 6.

3.The Chief Educational Officer (C.E.O.),
Round Road, Dindigul - 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent/C.E.O. to consider the petitioner's application dated 28.02.2018 and the remainder dated 22.09.2020 to get prior permission for acquiring higher qualification along with the petitioner's School Head Master's recommendations in Na.Ka.No.64/2018 dated 28.02.2018 and Na.Ka.No.64/2020 dated 22.09.2020 respectively based on the G.O.(MS).No.101 by School Education (Budget - 1) Department, dated 18.05.2018, within a reasonable time that may be stipulated by this Court.

For Petitioner : Mr.A.B.Natarajan

For Respondents : Mr.N.Shanmuga Selvan

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 respondents to grant permission for acquiring higher qualification is not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 28.02.2018, 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 28.02.2018, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 28.02.2018, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// 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 Director, School Education,
DPI Complex, Chennai - 6.

2.The Joint Director (JD-Personal), School education,
DPI Complex, Chennai - 6.

3.The Chief Educational Officer (C.E.O.),
Round Road, Dindigul - 5.

+1 CC to M/s.A.B.NATARAJAN, Advocate (SR-596[F] dated 08/01/2021)

+1 CC to M/s.SPL GP (SR-653[F] dated 08/01/2021)

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