



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.5268 of 2018

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V.Ajin

...Petitioner

Vs.

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

2.The Director of School Education,
D.P.I, Campus,
College Road,
Nungabakkam,
Chennai - 600 006.

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

4.The District Educational Officer,
Kuzhithurai,
Kanniyakumari District.

5.The Headmaster,
Government Higher Secondary School,
Melpuram,
Pacode - 629 168,
Kanniyakumari District.

... Respondents

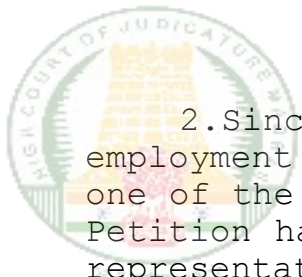
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to provide employment to the petitioner herein on compassionate ground in any one of the posts, which he is suitable, within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Veeranasamy

For Respondents : Mr.A.Thiyagarajan
Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



2. Since the petitioner's request to the respondents to provide employment to the petitioner herein on compassionate ground in any one of the posts, which he is suitable, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 30.08.2012, 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 30.08.2012, 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 30.08.2012, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 (CS-II)

// 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.

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



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