



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.23154 of 2019

and

W.M.P.(MD).Nos.19862 & 19863 of 2019

T.Shanthi

...Petitioner

Vs.

- 1.The Director of School Education,
Office of the Director of School Education,
Chennai.
- 2.The Director of Elementary Education,
Office of the Director of Elementary Education,
Chennai.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Trichy District.
- 4.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Tiruchirappalli, Tiruchirappalli District.
- 5.The Block Education Officer,
Office of Block Education Officer,
Tiruchirappalli District.
- 6.The Correspondent,
Boiler Plant Middle School,
Kailasanathapuram,
Trichy - 14.

7.S.Ranjani.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 3 to 6 herein from promoting and approving the 7th respondent herein as BT Assistant in the 6th respondent school and consequently direct the respondents 3 to 6 herein to consider the promotion of the petitioner as BT Assistant in the existing vacancy in the 6th respondent school.



For Petitioner : Mr.K.Appadurai
For Respondents : Mr.N.Shanmugaselvam for R1 to R5
Additional Government Pleader
Mr.T.Antony Arulraj for R6
Standing counsel
Mr.M.Prabhakaran for R7

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ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 5, the learned Standing counsel appearing for the respondent No.6 and the learned counsel appearing for the 7th respondent.

2.Though the petitioner has sought for issuance of a writ of Mandamus, to forbear the respondents 3 to 6 herein from promoting and approving the 7th respondent herein as BT Assistant in the 6th respondent school, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 24.10.2019 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

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 1 to 5 herein to consider the petitioner's representation dated 24.10.2019, 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 1 to 5 to consider the petitioner's representation dated 24.10.2019, 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 petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /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 of School Education,
Office of the Director of School Education,
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- 2.The Director of Elementary Education,
Office of the Director of Elementary Education,
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- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Trichy District.
- 4.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Tiruchirappalli, Tiruchirappalli District.
- 5.The Block Education Officer,
Office of Block Education Officer,
Tiruchirappalli District.

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-5562[F] dated 17/02/2021)

W.P. (MD) No.23154 of 2019

15.02.2021

VB (01.03.2021) 3P 7C