



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.11678 of 2022

M.Uthayasekar

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai - 9.

2.The Commissioner of School Education,
DPI Campus,
Chennai - 6.

3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularise the service of the petitioner in the post of Typist from 02.11.2007 with consequential, monetary and service benefits including Annual Increment and Selection Grade along with arrears in the light of the Division Bench Judgment of this Hon'ble High Court reported in (2012) 8 MLJ 433 dated 16.10.2012.

For Petitioner	:	Mr.S.Govindan
For Respondents	:	Mr.S.Shaji Bino, Special Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 31.07.2021 seeking for regularization of service. Since the said representation was not considered, the present Writ Petition has been filed.



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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 31.07.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/06/2022

Sub Assistant Registrar (CS)

Lm

To

1.The Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai - 9.

2.The Commissioner of School Education,
DPI Campus,
Chennai - 6.

3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

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



4.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

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+1 CC to M/s.SPL.GP. (SR-26406[F] dated 17/06/2022)

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SS(28/06/2022) 3P 6C