



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.11709 of 2022

and

W.M.P. (MD) .Nos.8285 and 8286 of 2022

I.Jebarani Prabha

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St.George,
Chennai - 9.

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

3.The Joint Director of School Education (Personnel),
DPI Campus,
Chennai - 6.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.00701/C3/E1/2022 dated 06.04.2022 on the file of the respondent No.2 and quash the same as illegal in so far as the Clause 3 is concerned and consequently for a direction, directing the Respondent Nos.2 and 3 to accept the mutual transfer application of the petitioner dated 19.01.2022 and transfer the petitioner to the post of B.T.Assistant Tamil, Government Higher Secondary School, Agastheeswaram, Kanyakumari District within the time period stipulated by this Court.

For Petitioner	:	Mr.Aswin Rajasimman for Mr.T.Lajapathi Roy
For Respondents	:	Mr.V.Nirmal Kumar, Government Advocate.

ORDER

By consent of both the parties, this Writ Petition is taken up

<https://hse.ces.judicial.gov.in/cases> for final disposal.



2. The petitioner herein had given a representation to the respondents on 23.04.2022 seeking for mutual transfer. Since the said representation was not considered, the present Writ Petition has been filed.

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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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 23.04.2022 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Lm

To

1.The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 9.

2.The Commissioner of School Education,
DPI Campus,

<https://hcservices.tn.nic.in/hcservices/>



3.The Joint Director of School Education (Personnel),
DPI Campus,
Chennai - 6.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-26025[F] dated
16/06/2022)

+1 CC to M/s.SPL.GP. (SR-26402[F] dated 17/06/2022)

W.P. (MD) .No.11709 of 2022
15.06.2022

MGJ(28.06.2022) 3P 6C