



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.257 of 2019

A.Selvasekar

... Petitioner

/vs./

1.The State of Tamilnadu

Represented by its Secretary to the Government,
Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai.

3.The Chief Educational Officer,
Thoothukudi District.

4.The District Educational Officer,
Thiruchendur,
ASA Government Boys Higher Secondary School Campus,
Thiruchendur.

5.The Secretary,
Sri Mariamman Hindu High School,
Sathankulam - 628 704,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.3 and 4 to regularize the petitioner's service in the 5th respondent school namely Sri Mariamman Hindu High School, Sathankulam-628704, Thoothukudi District as Secondary Grade Teacher from his date of initial appointment with effect from 01.08.1997 with all monetary benefits and pension benefits corresponding with G.O.Ms.No.413 issued by the Finance (PGC) Department dated 04.11.2010 and in the light of Judgment reported in 2004 - 2 - L.W 591.

For Petitioner

: Mr.K.K.Kannan

For R1 to R4

: Mr.V.Nirmal Kumar

Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

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2.The petitioner herein had given a representation to the respondents on 09.11.2018 seeking for regularization of the petitioner's service in the 5th respondent school, namely Sri Mariamman Hindu High School, Sathankulam-628704, Thoothukudi District as Secondary Grade Teacher from his date of initial appointment with effect from 01.08.1997 with all monetary benefits and pension benefits corresponding with G.O.Ms.No.413 issued by the Finance (PGC) Department dated 04.11.2010 and in the light of Judgment reported in 2004 - 2 - L.W 591. 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 fourth respondent herein to consider the petitioner's representation dated 09.11.2018 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks 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. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The State of Tamilnadu
Represented by its Secretary to the Government,
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 - 3.The Chief Educational Officer,
Thoothukudi District.
 - 4.The District Educational Officer,
Thiruchendur,
ASA Government Boys Higher Secondary School Campus,
Thiruchendur.
- +1 CC to M/s.K.K.KANNAN, Advocate (SR-24486[F] dated 07/06/2022)
- +1 CC to M/s.SPL.GP (SR-24574[F] dated 08/06/2022)

Order made in
W.P.(MD) No.257 of 2019

Dated:
07.06.2022

SS(14/06/2022) 3P 7C