



W.P.(MD) No.12683 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.12683 of 2022
and W.M.P.(MD).No.8993 of 2022

Arokia Arul Thomas

... Petitioner

Vs.

- 1.The Principal Secretary,
School Education Department,
Secretariat,
St. George Fort,
Chennai – 600 009.
- 2.The Chief Education Officer,
District Chief Education Office,
Sivan Kovil Street,
Ramanathapuram,
Ramanathapuram District – 623 501.
- 3.The District Education Officer,
District Education Office,
Boys' High School Campus,
Paramakudi, Ramanathapuram District,
Ramanathapuram – 623 707.
- 4.The Superintendent of Schools,
R.C.Bishop House,
Britto Nagar, Melur Road,
Sivagangai – 630 561.



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5.The Correspondent,
Sacred Heart Higher Secondary School,
Thiruvarangam,
Mudhukulathur Taluk,
Ramanathapuram District,
Ramanathapuram – 623 712.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to revoke the suspension order passed by the 5th respondent, dated 04.04.2022, in the light of Section 22 (3) (b) of the Tamil Nadu Recognized Private School (Regulation) Act, 1973, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.Shaji Bino for R1 to R3
Special Government Pleader

S.Savarimuthu for R4 and R5
for Father Xavier Associates

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 10.06.2022 seeking to revoke the suspension order passed by the 5th respondent, dated 04.04.2022, in the light of Section 22 (3) (b) of the Tamil Nadu Recognized Private School (Regulation) Act, 1973. 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 fifth respondent herein to consider the petitioner's representation dated 10.06.2022 on its own merits and pass appropriate orders in accordance with



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law, within a period of two (2) 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. At this juncture, the learned counsel for the petitioner submitted that during the period of suspension, he has not paid with the subsistence allowance. It is needless to point out that whenever a Teacher of a Private School of Minority or Non Minority is placed under suspension, he would be entitled for the subsistence allowance for the period of suspension. While passing order on the petitioner's representation, the fifth respondent shall also consider the petitioner's request for payment of subsistence allowance.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order
TM

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M.S.RAMESH,J.

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