



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.12876 of 2022

Kovilpatti Nadar Uravinmurai Sangam,
Old No.32, New No.65,
Pathirakaliamman Kovil Street,
Kovilpatti 628 501
Rep. by its President,
A.P.K.Palaniselvam,
S/o Kasi Nadar

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George, Chennai 600 009.

2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006.

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

4.The District Educational Officer,
Kovilpatti Educational District,
Tuticorin District.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents to pass orders granting permission to fill up the post of P.G.Assistant (Physics) in Nadar Higher Secondary School, Pandavarmangalam, Kovilpatti, in consideration of representation submitted by the Petitioner school, dated 21.10.2021, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



O R D E R

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 21.10.2021 seeking to pass orders granting permission to fill up the post of P.G.Assistant (Physics) in Nadar Higher Secondary School, Pandavarmangalam, Kovilpatti. 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 third respondent herein to consider the petitioner's representation dated 21.10.2021 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. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

TM

To

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George, Chennai 600 009.



2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006.

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

4.The District Educational Officer,
Kovilpatti Educational District,
Tuticorin District.

+1 CC to M/s.F. DEEPAK, Advocate (SR-27866[F] dated 24/06/2022)

+1 CC to M/s.SPL.GP (SR-28188[F] dated 27/06/2022)

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RD(06.07.2022) 3P 7C