



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.13178 of 2022

S.Amirtharaj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.

2.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

3.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

4.The Headmaster,
Yettacode Higher Secondary School,
Veeyanoor Post,
Kanyakumari District - 629 177.

5.B.I.Selvakumar,
Physical Education Director Grade - I,
Yettacode Higher Secondary School,
Veeyanoor Post,
Kanyakumari District - 629 177.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents to pass orders in the enquiry conducted by him on the basis of the petitioner's complaint dated 02.01.2022 in the light of G.O.Ms.No.116, Personnel and Administrative Reforms (M) Department dated 18.08.2010.

For Petitioner
For R-1 to R-4

: Mr.T.Cibi Chakraborty
: 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 26.05.2022 seeking to pass orders in the enquiry conducted by them on the basis of the petitioner's complaint dated 02.01.2022. 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 26.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

lm/btr
To

1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai - 600 009.

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



2.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

3.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

4.The Headmaster,
Yettacode Higher Secondary School,
Veeyanoor Post,
Kanyakumari District - 629 177.

+1 CC to M/s.T. CIBI CHAKRABORTHY, Advocate (SR-28125[F] dated 27/06/2022)

+1 CC to M/s.SPL.GP (SR-28244[F] dated 27/06/2022)

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SS/07/07/2022/ 3P 7C