



WP(MD)No.13703 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.06.2022**

CORAM:

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

W.P.(MD)No.13703 of 2022

R.Hemamalini

... Petitioner

/vs./

1.The Commissioner,
School Education Department,
DPI Campus,
College Road, Nungambakkam,
Chennai-6.

2.The Chief Educational Officer,
Chief Educational Office,
Thanjavur.

3.The District Educational Officer,
District Education Office,
Kumbakonam.

4.The Headmaster,
Government High School,
Thiruvaipadi,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the respondents to condone Break-in-service period from 05.10.2007 to 09.10.2007 (5 days) and restore the Teacher provident fund in No.339102 so as to enable the petitioner to come under the old pension scheme by directing the third respondent to forward the communication, dated 31.03.2021 submitted by the fourth respondent to the first respondent within a time stipulated by this Court.

For Petitioner : Mr.G.Sailendrababu
For Respondents : 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 27.05.2022 seeking to condone the Break-in-service period from 05.10.2007 to 09.10.2007 (5 days) and restore the Teacher provident fund in No.339102 so as to enable the petitioner to come under the old pension scheme by directing the third respondent to forward the communication, dated 31.03.2021 submitted by the



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fourth respondent to the first respondent. 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 respondents to consider the petitioner's representation dated 27.05.2022 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.



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5. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

btr/TM

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M.S.RAMESH, J.

btr/TM

Order made in
W.P.(MD)No.13703 of 2022

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