



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.07.2022
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) .No.13964 of 2022

and

W.M.P. (MD) .No.9936 of 2022

M.Umarani

... Petitioner

Vs.

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

2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Theni.

4.The District Educational Officer,
Theni.

5.The Block Educational Officer,
Bodinayakanur Union,
Theni.

...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 respondent to consider the petitioner's representations dated 20.06.2022 and 25.06.2022 within a time to be stipulated by this Court.

For Petitioner : Mr.S.Venkatesh
for Mr.A.Sivaji

For Respondents : Mr.A.Kannan,
Additional Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondents on 20.06.2022 and 25.06.2022 seeking for transfer. Since the said representations were 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. Since it is represented by the learned counsel for the petitioner that the second round of counselling had ended on 30.06.2022 and that the third round of counselling is to commence on 07.07.2022, it would be appropriate to direct the respondents to consider the representations of the petitioner before the third round of counselling.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 20.06.2022 and 25.06.2022 on its own merits and pass appropriate orders in accordance with law, on or before 05.07.2022. 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.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS.III)

// True Copy //

01/07/2022

Sub Assistant Registrar(CS)

To

1.The Commissioner of School Education,
DPI Campus,
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Chennai - 600 006.

2.The Director of Elementary Education,
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Theni.

+1 CC to M/s.A.SIVAJI, Advocate (SR-29209[F] dated 01/07/2022)

W.P. (MD) .No.13964 of 2022

Date:01.07.2022

SA(01.07.2022) 3P 7C