



WP(MD)No.14059 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2022**

CORAM:

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

W.P.(MD)No.14059 of 2022

and

W.M.P(MD)No.10035 of 2022

E.Ebenezer Jebakumari

... Petitioner

/vs./

- 1.The Directorate of School Education,
School Education Department, DPI Complex,
Chennai.
- 2.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
- 3.The District Educational Officer,
Tirunelveli Educational District, Tirunelveli.
- 4.The Correspondent,
Mary Sargent Girls Higher Secondary School,
Palayamkottai, Tirunelveli District.
- 5.The Correspondent,
Schaffter Higher Secondary School,
Swami Nellaiappar High Road,
Tirunelveli Junction,
Tirunelveli-627 001.



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6.The Administrators,
CSI Diocese of Tirunelveli,
No.1680/8, North High Ground Road,
St.John College Hostel Campus,
Near Krishna Hospital, Palayamkottai,
Tirunelveli District.

7.The Manager,
TDTA Higher Secondary,
Secondary Special Schools,
CSI Diocese of Tirunelveli,
Diocesan Office, Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third and fifth respondent to disburse the petitioner's arrears of salary from the date of assuming her charge as Secondary Grade teacher in the fifth respondent School (i.e.,) 03.08.2021 till to date and further direction to continue to pay the monthly salary by considering the representation of the petitioner, dated 21.06.2022.

For Petitioner : Mr.R.Maheswaran

For R-1 to R-3 : Mr.A.Kannan

Additional Government Pleader



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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 fifth respondent on 21.06.2022 seeking for disbursement of the petitioner's arrears of salary from the date of assuming her charge as Secondary Grade teacher in the fifth respondent School (i.e.,) 03.08.2021 till to date and further direction to continue to pay the monthly salary. 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



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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 21.06.2022 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. Consequently, connected Miscellaneous Petition is closed.

05.07.2022

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.14059 of 2022

Dated:
05.07.2022