



WP(MD)No.15646 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2022**

CORAM:

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

W.P.(MD)No.15646 of 2022

Sasikumar

... Petitioner

/vs./

- 1.The Commissioner,
School Education Department,
DPI Complex,
College Road,
Chennai – 6.
- 2.The Chief Educational Officer,
O/o. The Chief Educational Office,
Theni District.
- 3.The District Educational Officer,
O/o. The District Educational Officer,
Theni,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to revoke the prolonged suspension order in proceedings in Rc.No.1369/A3/2021, dated 01.03.2021 and to consider the representation of the petitioner dated 07.07.2022



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and consequently direct the 2nd respondent to disburse the subsistence allowance payable to the petitioner.

For Petitioner : Ms.S.Prabha
For Respondents : Mr.V.Nirmal Kumar
Government Advocate

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 07.07.2022 seeking for revocation of the prolonged suspension order in proceedings in Rc.No.1369/A3/2021, dated 01.03.2021. 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-



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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 second respondent herein to consider the petitioner's representation dated 07.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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. No costs.

19.07.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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O/o. The Chief Educational Office,
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Order made in
W.P.(MD) No.15646 of 2022

Dated:
19.07.2022