



WP(MD)No.16026 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM:

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

W.P.(MD)No.16026 of 2022  
and  
W.M.P(MD)No.11583 of 2022

P.Vijayaragavan

... Petitioner

/vs./

- 1.The State of Tamil Nadu,  
Represented by its Secretary to Government,  
Backward Classes and Minority Welfare Department,  
St.George Fort, Chennai-600 009.
- 2.The State of Tamil Nadu,  
Represented by its Principal Secretary to Government,  
School Education Department,  
St.George Fort, Chennai-600 009.
- 3.The Commissioner of School Education Department,  
Office of the Commissioner of School Education Department,  
DPI Campus,  
Nungambakkam, Chennai.
- 4.The Commissioner and Director,  
Most Backward Class and Denotified  
Community Welfare Department,  
Ezhilagam, Chepauk,  
Chennai-600 005.



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5. The Joint Director of Kallar Reclamation,  
Office of the Joint Director of Kallar Reclamation,  
Madurai-625 020.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to promote the petitioner as Head Master of Higher Secondary School in the ratio of 2:7 from the post of Head Master of High School and P.G.Assistants respectively in the Kallar Reclamation Department as was done in School Education Department vide G.O.Ms.No.14, dated 30.01.2020, and by considering the petitioner's representation, dated 04.07.2022, within the period that may be stipulated by this Court.

For Petitioner : M/s.Ajmal Associates  
for Mr.C.Venkatesh Kumar

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 04.07.2022 seeking for promote the petitioner as Head Master of Higher Secondary School in the ratio of 2:7 from the post of Head Master of High School



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and P.G.Assistants respectively in the Kallar Reclamation Department as was done in School Education Department vide G.O.Ms.No.14, dated 30.01.2020. 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 first respondent herein to consider the petitioner's representation dated 04.07.2022 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.



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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.

**22.07.2022**

Index : Yes / No  
Internet : Yes / No  
btr/lm

To

- 1.The Secretary to Government,  
The State of Tamil Nadu,  
Backward Classes and Minority Welfare Department,  
St.George Fort, Chennai-600 009.
- 2.The Principal Secretary to Government,  
The State of Tamil Nadu,  
School Education Department,  
St.George Fort, Chennai-600 009.
- 3.The Commissioner of School Education Department,  
Office of the Commissioner of School Education Department,  
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Nungambakkam, Chennai.

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**M.S.RAMESH, J.**

btr/lm

- 4.The Commissioner and Director,  
Most Backward Class and Denotified  
Community Welfare Department,  
Ezhilagam, Chepauk,  
Chennai-600 005.
- 5.The Joint Director of Kallar Reclamation,  
Office of the Joint Director of Kallar Reclamation,  
Madurai-625 020.

Order made in  
**W.P.(MD)No.16026 of 2022**

Dated:  
**22.07.2022**