



W.P.(MD).No.16533 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.16533 of 2022

M.Valliyammal

... Petitioner

Vs.

1.The District Educational Officer,
Nagercoil,
Kanyakumari District.

2.The Headmaster,
Government High School,
Erulapuram,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service as Full-Time sweeper on the date of completion of ten years of part time service from 31.10.1991 and to pay time scale of pay and other benefits payable with effect from 31.10.2001 by counting the 50% of part time service for the purpose of pension in the light of the order passed in W.A.(MD).No.93/2018 dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23960 of 2018 and in the light of Government Order in G.O.Ms.No.111, School Education(R1) dated 09.05.2012.



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For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.A.Kannan,
Additional Government Pleader.

ORDER

The petitioner herein had given a representation to the first respondent on 05.02.2020 seeking for regularization of her service as Full-Time Sweeper. Since the said representation was not considered, the present Writ Petition has been filed.

2. 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.



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3. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 05.02.2020, 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.

4. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

17.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

1.The District Educational Officer,
Nagercoil,
Kanyakumari District.

2.The Headmaster,
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M.S.RAMESH, J.

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