



WP(MD)No.16912 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2022**

CORAM:

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

W.P.(MD)No.16912 of 2022

A.Albert Nobel Antony

... Petitioner

/vs./

1.The District Education Officer,
Madurai District,
Madurai.

2.The Saint Joseph High School,
Represented by its Correspondent,
R.C.Street,
Samayanallur,
Madurai-625 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 07.09.2021, seeking to reinstate the petitioner in the post of B.T. Assistant in the second respondent school to pay him the subsistence allowance for the period kept under suspension and other applicable wages and monetary benefits.

For Petitioner : M/s.M.Jerin Mathew

For R-1 : Mr.V.Nirmal Kumar,
Government Advocate



WP(MD)No.16912 of 2022

WEB COPY

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 first respondent on 21.12.2021 seeking to reinstate the petitioner in the post of B.T. Assistant in the second respondent school to pay him the subsistence allowance for the period kept under suspension and other applicable wages and monetary benefits. 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



WP(MD)No.16912 of 2022

to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the second respondent, though he has made a representation, dated 21.12.2021, seeking to reinstate the petitioner in the post of B.T. Assistant in the second respondent school to pay him the subsistence allowance for the period kept under suspension and other applicable wages and monetary benefits. On receipt of such a representation, the second respondent herein is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) weeks from the date of receipt of a fresh representation. 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.

01.08.2022

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

3/5



WP(MD)No.16912 of 2022

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The Saint Joseph High School,
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WP(MD)No.16912 of 2022

M.S.RAMESH, J.

btr/lm

Order made in
W.P.(MD)No.16912 of 2022

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01.08.2022