



W.P.(MD).No.16940 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.16940 of 2022

1.V.Tamilarasi

2.D.Valarmathy

... Petitioners

Vs.

1.The Government of India,
Represented by its Secretary to Government,
Ministry of Human Resource Development,
No.302-C, Shastri Bhawan,
New Delhi.

2.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai – 09.

3.The Director of School Education,
Directorate of School Education,
Chennai – 06.

4.The Joint Director of School Education,
(Personnel),
Directorate of School Education,
Chennai – 06.

5.The Additional Project Director II (Samagra Shiksha),
Rashtriya Madhamik Shiksha Abhiyan (RMSA),
DPI Compound,
College Road,
Chennai – 06.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.2 and 3 to consider the petitioners for regularization in the post of B.T. Assistant (Inclusive Education for the Disabled at Secondary Stage) for RMSA (Rashtriya Madhyamik Shiksha Abhiyan) under the administrative structure of Samagra Shiksha in the posts sanctioned as per G.O.Ms.No.28, School Education Department, dated 30.01.2015 within the time stipulated by this Court.

For Petitioners : Mr.S.Louis
For R-2 to R-5 : 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 petitioners herein had given representations to the third respondent on 24.03.2021 and 25.03.2021, seeking for grant of equal pay for equal work, arrears of salary and regularization in the post of B.T. Assistant. Since the said representations were 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



W.P.(MD).No.16940 of 2022

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 third respondent herein to consider the petitioners' representations, dated 24.03.2021 and 25.03.2021, 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 petitioners 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
Lm/btr



W.P.(MD).No.16940 of 2022

To

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W.P.(MD).No.16940 of 2022

M.S.RAMESH, J.

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