



W.P.(MD) No.17152 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17152 of 2022
and W.M.P.(MD).No.12512 of 2022

S.Chandran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District – 627 009.
- 4.The District Educational Officer,
Valliyoar, Tirunelveli District.
- 5.The Headmaster,
Government High School,
Radhapuram Taluk,
Seelathikulam – 627 112,
Tirunelveli District.

... Respondents



W.P.(MD) No.17152 of 2022

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PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd respondent CEO herein to permit the petitioner to continue in service as BT Assistant (Social Science) under re-employment in the 5th respondent school till the end of the academic year 2022-2023 (i.e., upto 31.05.2023) with all attendant benefits, considering petitioner's Memorandum, dated 12.07.2022, together with the recommendation of the 5th respondent, Headmaster, to the 3rd respondent Chief Educational Officer, dated 12.07.2022.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chambers
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 12.07.2022 seeking to permit the petitioner to continue in service as BT Assistant (Social Science) under re-employment in the 5th respondent school



W.P.(MD) No.17152 of 2022

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till the end of the academic year 2022-2023 (i.e., upto 31.05.2023) with all attendant benefits. Since the said representation was not considered, the present writ petition has been filed.

3. The fifth respondent School, where the petitioner was employed, has also made a favourable recommendation to the third respondent herein stating that the petitioner has maintained good moral and conduct during his service and that he is also physically fit to continue re-employment. In the same proceedings, the fifth respondent had also taken into consideration the welfare of the students, for the purpose of re-employing the petitioner.

4. 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



W.P.(MD) No.17152 of 2022

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5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 12.07.2022 in the light of the proposal of the fifth respondent in Na.Ka.No. 17/2022, dated 12.07.2022 and pass appropriate orders in accordance with law, within a period of two (2) 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.

6. With the above direction, the Writ Petition stands disposed of. No costs.

02.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

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Note: Issue order copy on 03.08.2022.



W.P.(MD) No.17152 of 2022

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- 4.The District Educational Officer,
Valliyoor, Tirunelveli District.



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W.P.(MD) No.17152 of 2022

M.S.RAMESH,J.

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W.P.(MD) No.17152 of 2022

02.08.2022