



WP(MD)No.17933 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.08.2022**

CORAM:

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

W.P.(MD)No.17933 of 2022

P.Sankar Kumar

... Petitioner

/vs./

1.The District Educational Officer,
Sankarankovil, Tenkasi District.

2.The Block Educational Officer,
Alangulam Union, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to furnish the copy of complaint given by the teachers against the petitioner and 2 preliminary enquiry report of the second respondent herein and other related documents to the petitioner herein pursuant to the initiation of departmental proceedings against the petitioner herein under Rule 17(a) of the Tamil Nadu Civil Service Discipline and Appeal Rules under without any delay.



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For Petitioner : Mr.T.Pon Ramkumar

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 first respondent on 25.07.2022 seeks to furnish the copy of complaint given by the teachers against the petitioner and 2 preliminary enquiry report of the second respondent herein and other related documents to the petitioner herein pursuant to the initiation of departmental proceedings against the petitioner herein under Rule 17(a) of the Tamil Nadu Civil Service Discipline and Appeal Rules. 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



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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 25.07.2022 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 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.

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

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Index : Yes / No
Internet : Yes / No
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Sankarankovil, Tenkasi District.
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M.S.RAMESH, J.

Sn

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