



W.P.(MD).No.18813 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18813 of 2022

M.Christy Vanitha Evelyn

... Petitioner

Vs.

- 1.State of Tamil Nadu
Represented by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai – 9.
- 2.The Commissioner of School Education,
DPI Campus,
Chennai – 6.
- 3.The Chief Educational Officer,
Trichy District.
- 4.The Chief Educational Officer,
Tiruppur District.
- 5.The District Educational Officer,
Trichy,
Trichy District.
- 6.The District Educational Officer,
Dharapuram,
Tirupur District.



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7.The Bishop and Manager of all Diocesan Schools,
CSI Tiruchirapalli – Thanjavur Diocese,
Diocesan Office,
Puthur,
Trichy – 17.

8.Bishop Heber Higher Secondary School,
Represented by its Correspondent,
Puthur,
Trichy – 17.

9.C.S.I. Boys Higher Secondary School,
Represented by its Correspondent,
Dharapuram – 638 657,
Tirupur 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 No.3 to 9 to regularize the services of the petitioner from 01.06.2015 to 03.10.2018 as duty period and disburse the retirement benefits including gratuity, leave salary, Provident Fund, pension and other consequential benefits within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R-1 to R-6	: Mr.V.Nirmal Kumar, Government Advocate.



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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 3 to 9 on 03.08.2022 seeking for regularization of her service from 01.06.2015 to 03.10.2018 as duty period and to disburse the retirement benefits including gratuity, leave salary, Provident Fund, pension and other consequential 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 to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the respondents 3 to 9 herein to consider the petitioner's representation, dated 03.08.2022, 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.

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

18.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/btr



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To

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M.S.RAMESH, J.

Lm/btr

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