



W.P.(MD) No.19503 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.19503 of 2022
and W.M.P.(MD).Nos.14237 & 14238 of 2022

M.Amarnath

... Petitioner

Vs.

**1.The Chief Educational Officer,
Theni District.**

**2.The District Educational Officer,
Theni District.**

**3.The Secretary,
Z.K.M. Hr. Sec. School,
Bodinayakkanur,
Theni District.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating with the impugned order issued by the 3rd respondent in No.Z1/1041/2022 dated 14.06.2022 and quash the same as it is illegal and vitiated and in consequence to direct the 3rd respondent to reinstate the petitioner with all attended benefits.

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For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.S.Shaji Bino for R1 & R2
Special Government Pleader

Mr.K.Prabhu for R3

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.Though the prayer sought for in this writ petition is larger in nature, the learned Counsel for the petitioner confines the prayer to consider the petitioner's representation dated 16.06.2022. The learned Special Government Pleader appearing for the respondent has no serious objection for the same.

3.The petitioner herein had given a representation to the respondent on 16.06.2022 seeking for reinstatement of the petitioner into service. Since the said representation was not considered, the present writ petition has been filed.



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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 and direct them to consider the same within a stipulated time.

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 16.06.2022 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.



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6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Speaking Order/ Non Speaking Order

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To

1. The Chief Educational Officer,
Theni District.
2. The District Educational Officer,
Theni District.



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M.S.RAMESH,J.

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