



WP(MD)No.19605 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.08.2022**

CORAM:

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

W.P.(MD)No.19605 of 2022

N.Muthaiah

... Petitioner

/vs./

1.State of Tamil Nadu,
Represented by its Secretary to the Government,
School Education Department,
Fort St.George,
Chennai – 9.

2.The Director of Elementary Education,
Chennai.

3.The District Educational Officer,
Devakottai,
Sivagangai District.

4.The Block Educational Officer,
Kannangudi Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the monetary



WP(MD)No.19605 of 2022

benefits to the petitioner, as per G.O.Ms.No.234 School Education Department dated 10.09.2009 by implementing the order made in WP No.17928 of 2010 dated 22.07.2011.

For Petitioner : Mr.V.Panneer Selvam

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 respondent on 18.02.2022 seeking for payment of his wife's monetary benefits to him. 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



WP(MD)No.19605 of 2022

WEB COPY

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.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 18.02.2022 on its own merits and in the light of the order passed by this Court in WP(MD)No. 17928 of 2010, in which, the petitioner's wife is one of the petitioners and pass appropriate orders in accordance with law, within a period of twelve (12) 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.



WP(MD)No.19605 of 2022

WEB COPY

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

25.08.2022

Index : Yes / No
Internet : Yes / No
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WP(MD)No.19605 of 2022

WEB COPY

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WP(MD)No.19605 of 2022

M.S.RAMESH, J.

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Order made in
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