



WP(MD)No.3963 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2022**

CORAM:

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

W.P.(MD)No.3963 of 2018

V.Vijayalakshmi

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
represented by its Secretary,
School Education Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Elementary Education,
O/o. The Director of Elementary Education,
D.P.I., Complex, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
O/o. the District Elementary Educational Office,
Collectorate Campus, Karur -7,
Karur District.
- 4.The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Office,
Aasath Road, Municipal Building,
Karur-1, Karur District.
- 5.The Head Master,
Raja Aided Middle School,
Vedichipalayam Post,
Puliyur, Karur District.



WP(MD)No.3963 of 2018

WEB COPY

6.The Secretary,
Raja Aided Middle School,
Vedichipalayam Post,
Puliyur, Karur District.

7.M.Jawahar,
The Secretary,
Raja Aided Middle School,
Vedichipalayam Post,
Puliyur, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to disburse the benefits arising out of the G.O.Ms.No.303 Finance [Pay Cell] Department dated 11.10.2017 as was granted in respect of other teachers working in the 6th respondent school and by considering petitioner's representation dated 29.01.2018 within a period that may be stipulated by this Court.

For Petitioner : Mr.Mohamed Suhail
for Ajmal Associates

For R1 to R4 : Mr.V.Nirmal Kumar
Government Advocate

For R7 : Mr.G.Sankaran

For R5 and R6 : No appearance

ORDER

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



WP(MD)No.3963 of 2018

WEB COPY

2.The petitioner herein had given a representation to the respondents on 29.01.2018 seeking direction to the Respondents to disburse the benefits arising out of the G.O.Ms.No.303 Finance [Pay Cell] Department dated 11.10.2017 as was granted in respect of other teachers working in the 6th respondent school. 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.

4.In the light of the above observations, there shall be a direction to the third and seventh respondents herein to consider the petitioner's representation



WP(MD)No.3963 of 2018

dated 29.01.2018 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

18.07.2022

Index : Yes / No

Internet : Yes / No

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WP(MD)No.3963 of 2018

WEB COPY

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WEB COPY



WP(MD)No.3963 of 2018

M.S.RAMESH, J.

pnn

Order made in
W.P.(MD) No.3963 of 2018

18.07.2022