



W.P.(MD) No.20272 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20272 of 2022

Perumal

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.

2.The Block Educational Officer,
Office of the Block Educational Officer,
Ilayangudi, Sivagangai.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to reinstate the petitioner in service of the department considering his prolonged suspension since 23.07.2021 on the basis of his representations dated 13.10.2021 and 29.07.2022.

For Petitioner : Mr.P.Rajagopalan

**For Respondents : 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 representations to the respondents on 13.10.2021 and 29.07.2022 seeking for reinstatement of the petitioner into service. Since the said representations were not considered, the present writ petition has been filed.

3.The Government in a recent order in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, has stipulated certain guidelines for review of prolonged suspension, wherein, time limits have been framed for conclusion of the criminal proceedings as well as the departmental proceedings including the suspension.

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



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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 petitioner to give a fresh representation to the respondents and on receipt of such representation the respondents herein shall consider the same in the light of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 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.

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Index : Yes / No
Speaking Order/ Non Speaking Order

cp

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M.S.RAMESH,J.

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