



WP(MD)No.20776 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20776 of 2022
and
W.M.P.(MD)No.15090 of 2022

P.Xavier

... Petitioner

-Vs-

- 1.The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Compound, Chennai.
- 2.The Joint Director of School Education (Personnel),
O/o. the Joint Directorate School Education,
Chennai-600 006.
- 3.The Chief Educational Officer,
O/o.The Chief Educational Office,
Pudukottai, Pudukottai District.



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4.The Chief Educational Officer,
O/o.the Chief Educational Office,
Kanyakumari, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to accommodate the petitioner in any of the vacancies available in the post of B.T. Assistant (Maths) in Kanyakumari District in the light of the order dated 24.11.2021 made in W.P. (MD)No.16666 of 2021 on the file of this Court and by considering the petitioner's representation dated 18.07.2022 within the time that may be stipulated by this Court.

For Petitioner : Ms.J.Irfana Fathima,
For M/s.Ajmal Associates
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.



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2.The petitioner herein had given a representation to the respondents on 18.07.2022, to accommodate the petitioner in any of the vacancies available in the post of B.T.Assistant (Maths) in Kanyakumari District. 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 second respondent herein to consider the petitioner's representation dated 18.07.2022, 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



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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. Consequently, connected miscellaneous petition is closed.

02.09.2022
(3/3)

Index : Yes / No
Internet : Yes / No

Myr / Rmk

TO:

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M.S.RAMESH, J.

Myr / Rmk

Order made in
W.P.(MD)No.20776 of 2022

Dated:
02.09.2022
(3/3)