

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20685 of 2022

J.Tamilrajan

... Petitioner

/vs./

1.The Director of School Education,
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

3.The District Educational Officer,
Thoothukudi, Thoothukudi District.

4.The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi, Thoothukudi District 628 001.

5.The Headmaster,
Karapettai Nadar Higher Secondary School,
Thoothukudi, Thoothukudi District. 628 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent herein to consider

the petitioner's representation dated 08.08.2022 submitted in person and reminder representation dated 12.08.2022 and pass appropriate orders by accepting his voluntary retirement from service of B.T.Assistant selection Grade Teacher in the fifth respondent's school and release all his retirement benefits including commuted value of pension, gratuity, EPF, surrender leave salary and all other monetary benefits etc., within time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali
for Mr.D.Nallathambi
For Respondents : Mr.S.Shaji Bino (for R1 to R3)
Special Government Pleader
Mr.K.Ragatheesh Kumar (for R4 & R5)
for M/s.Isaac Chamber

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 respondents on 08.08.2022 and 12.08.2022 seeking to accept his voluntary retirement and release all retirement benefits. 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 respondent 2 and 3 herein to consider the petitioner's representation dated 08.08.2022 and 12.08.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order, after giving due opportunity to the School Management and the petitioner herein. 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.

01.09.2022

Index : Yes / No

Internet : Yes / No

Rmk

TO:

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WP(MD)No.20685 of 2022

M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD)No.20685 of 2022

Dated:
01.09.2022