



WP(MD)No.20745 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20745 of 2022

P.Duraisamy

... Petitioner

/vs./

1.The State of Tamil Nadu,
rep., by its Secretary,
School Education Department,
Fort St.George, Chennai -9.

2.The Commissioner of School Education,
DPI Campus, Chennai -6.

3.The District Educational Officer,
Tenkasi District, Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the services of the petitioner from 13.11.2002 in time scale in view of the order passed by the Division Bench of this Court in W.A(MD).No.391/2007, dated 25.10.2007 based on the representation of the petitioner dated 05.03.2008.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.S.Shaji Bino
Special Government Pleader



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ORDER

The petitioner herein had given a representation to the respondents on 05.03.2008 seeking for regularization of the petitioner's service from 13.11.2002. Since the said representation was not considered, the present writ petition has been filed.

2.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.

3.In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the respondents, though he has made a representation, dated 05.03.2008, seeking for regularization of the petitioner's



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service from 13.11.2002 and on receipt of such representation, the second respondent herein shall consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of such representation. 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.

4. 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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M.S.RAMESH, J.

Rmk

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