



W.P.(MD).No.24768 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

**W.P.(MD).No.24768 of 2019
and
W.M.P.(MD).No.21372 of 2019**

J.Sahaya Mary

... Petitioner

Vs.

- 1.The Accountant General,
Office of the Accountant General,
Chennai, Tamilnadu,
261, Annasalai, Chennai – 600018.
- 2.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 3.The Director of School Education,
College Road,
Chennai – 600 006.
- 4.The Inspector of Anglo Indian Schools,
Chennai – 600 006.
- 5.The Chief Educational Officer,
Trichy District at Trichy.
- 6.The District Educational Officer,
Trichy, Trichy District.



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7.The Correspondent,
St.Josephs Anglo Indian Girls
Higher Secondary School,
Trichy – 620 001.

8.The Commissioner,
Government DATA Centre, Guindy,
Chennai – 600 025.

...Respondents

(R-8 is impleaded vide Court order dated 21.06.2022 in W.M.P.(MD).No.4553 of 2021 in W.P.(MD).No.24768 of 2019)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reckon the service rendered by the petitioner in the seventh respondent school for the period from 04.06.1996 to 01.06.2003 for pension purpose under Old Pension Scheme bearing ASTPF No.1823/AIS and make entry in the Service Register of the petitioner as per G.O.No.413(Finance (PGC) Department) dated 04.11.2010.

For Petitioner	: Mr.S.Xavier Rajini
For R-1	: Mr.P.Gunasekaran, Standing Counsel.
For R-2 to R-6, R-8	: Mr.S.Shaji Bino, Special Government Pleader.
For R-7	: Fr.Savarimuthu for M/s.Father Xavier Associates



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ORDER

WEB COPY The petitioner herein had given a representation to the fifth and sixth respondents on 11.09.2019 seeking to reckon the service rendered by the petitioner in the seventh respondent school for the period from 04.06.1996 to 01.06.2003 for the purpose of pension under Old Pension Scheme and make entry in her service register. 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 respondents 2 to 8 herein to consider the petitioner's representation dated 11.09.2019, in the light of the decision of this Court in the case of



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M.Thirumugam Thiresa Vs. The State of Tamil Nadu, Represented by it's

Secretary to Government, School Education Department, Secretariat,

Chennai and others in W.P.(MD).No.25137 of 2019, dated 05.07.2022, 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 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. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

19.07.2022

Index : Yes / No

Internet : Yes/ No

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M.S.RAMESH, J.

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