



WEB COPY



W.P.No.1371 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.1371 of 2016
and WMP.No.1145 of 2016

S.Rajkumar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Joint Director of School Education,
College Road, Chennai-600 006.
4. The Chief Educational Officer,
Udhagamandalam,
The Nilgiris District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to promote the petitioner as B.T Assistant in English by including his name in the panel as on 01.01.2015 for promotion to the post of B.T.Assistant (English) at the appropriate place with all consequential service and



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monetary benefits.

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For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.T.Chezhiyan
AGP

ORDER

The petitioner herein had given representation to the respondents on 29.10.2015, seeking for a direction to promote him as B.T Assistant in English, by including his name in the panel as on 01.01.2015 at the appropriate place with all consequential service and monetary benefits. Since the said representation was not considered, the present Writ Petition has been filed

2. It is needless to point out that whenever 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



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226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In view of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 29.10.2015, taking into consideration *the decision reported in (2015) 1 MLJ 410 in the case of C. Dharuman and Others vs Government of Tamil Nadu, Rep by Secretary to Government and others (W.P.No.28172 of 2013)* on its own merits and pass appropriate orders in accordance with law, within a period of four 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 view with regard to the merits of the claim of the petitioner and that it is open to the respondents to consider the same on its own merits.

4. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

09.01.2023

Speaking/Non-speaking
Index:Yes/No
sr

M.S.RAMESH,J.



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sr

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To

1. The Government of Tamil Nadu,
rep by Secretary to Government,
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Secretariat, Chennai-600 009.
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3. The Joint Director of School Education,
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