



WEB COPY



W.P.No.4195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4195 of 2023

C.Balakrishnan

...Petitioner

Vs

1.The Commissioner of School Education,
DPI Complex, No.6, College Road,
Nungambakkam, Chennai – 600 006.

2.The Joint Director of School Education
[Vocational],
DPI Complex, No.6, College Road,
Nungambakkam, Chennai – 600 006.

3.The Finance Controller,
School Education Department,
DPI Complex, No.6, College Road,
Nungambakkam, Chennai – 600 006.

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

5.The District Educational Officer,
[Secondary Education],
Collectorate, Salem.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 28.02.2022 and to disburse the arrears of pay due to the petitioner as per approval made by the 5th respondent, in accordance with G.O.Ms.No.306 Finance [CMPC] Department dated 12.09.2018 with interest within the stipulated time.

For Petitioner : Mr.M.Saravanakumar

For Respondents : M/s.M.Jayanthi
Additional Government Pleader

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the first respondent on 28.02.2022 seeking for a direction to disburse the arrears of pay due to the petitioner, as per G.O.Ms.No.306 Finance [CMPC] Department, dated 12.09.2018 with interest. Since the said representation was not considered, the present writ petition has been filed.



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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 first respondent herein to consider the petitioner's representation dated 28.02.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 respondents to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands ordered. No costs.

21.02.2023

Index: Yes/No

Speaking order/Non-speaking order
hvk

To

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M.S.RAMESH,J.

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