



WEB COPY



W.P.No.4887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.4887 of 2023**

V.Rathinam

...Petitioner

Vs

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

2.The Chief Educational Officer,  
Chief Educational Office,  
Namakkal – 637 001.

3.The Head Master,  
Government Higher Secondary School,  
Valayapatty,  
Namakkal – 637 020.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to declare forthwith the completion of the petitioner's probation and regularize the service in the cadre of 'Physical Education Teacher' considering the inordinate delay caused for more than 12 years from the date of selection and disbursing the difference of his pay, increments and all allowances from December 2010 with other consequential benefits.



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For Petitioner : Mr.J.Ranjithkumar

For Respondents : Mr.E.Sundaram  
Government Advocate

### **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 representations to the respondents on 12.09.2013, 21.12.2017, 26.12.2018, 11.10.2019, 01.07.2022 and 30.09.2022, seeking declaration of probation and regularization of service. Since the said representations were 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



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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 respondents concerned to consider the petitioner's representations dated 12.09.2013, 21.12.2017, 26.12.2018, 11.10.2019, 01.07.2022 and 30.09.2022, 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 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.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

**22.02.2023**

Index: Yes/No

Speaking order/Non-speaking order

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**M.S.RAMESH,J.**

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