



W.P.No.5746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S.Anitha

...Petitioner

Vs

1.The State of Tamil Nadu,
The Principal Secretary to Government,
School Education Department,
Chennai - 600 009.

2.The Director of School Education,
DPI Complex, Nungampakkam,
Chennai - 600 006.

3.The State Project Director,
Rashtriya Madhyamik Shiksha Abhiyan,
Chennai - 600 006.

4.The District Project Coordinator,
Salem District.

*(R3 & R4 suo motu impleaded vide
Court order dated 24.02.2023)*

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 14.12.2022 to regularize the



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petitioner's service from the date of his initial appointment and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears.

For Petitioner : Mr.S.Easirani Narasimman

For Respondents : Mr.D.Ravichander,
Special 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 had given a representation to the respondents on 14.12.2022, seeking for regularization of her services from the date of initial appointment, together with all consequential benefits and arrears. Since the said representation was 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



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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. At this juncture, the learned Special Government Pleader appearing for the respondents submitted that the petitioner herein was appointed by the State Project Director, Rashtriya Madhyamik Shiksha Abhiyan and the District Project Coordinator, Salem District and therefore, they would be the competent authorities to consider the petitioner's claim.

5. In view of the submission made by the learned Special Government Pleader, the State Project Director, Rashtriya Madhyamik Shiksha Abhiyan and the District Project Coordinator, Salem District are suo-motu impleaded as party respondents in this Writ Petition.



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6. Since the third and fourth respondents herein, who are suo-motu impleaded as party respondents today, are the competent authorities to consider the claim of the petitioner, this Court is of the view that it would be appropriate to grant liberty to the petitioner to give a fresh representation to the third and fourth respondents with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.

7. In the light of the above observations, the petitioner herein is granted liberty to give a fresh representation to the third and fourth respondents herein ventilating her grievances, along with a copy of the earlier representation dated 14.12.2022. On receipt of the same, the third and fourth respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of the 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 respondents to consider the same on its own merits.



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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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