



W.P.No.6070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6070 of 2023

Aided Elementary School
Rep. by its Secretary,
K.Balamurugan,
S/o.Late.Kaliyasamy
U.Kombadi Kuppam,
Kammapuram, Vriddhachalam Taluk,
Cuddalore District – 607 804.

...Petitioner

Vs

1. The District Educational Officer,
Vriddhachalam, Cuddalore District.
2. The Block Educational Officer,
Kammapuram – 606 103,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 9.01.2023 (which was given seeking for the approval of appointment of Mrs. K.Alamelu as Secondary Grade Assistant Teacher in the petitioner's school and for payment of her salary with arrears) on merits.



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For Petitioner : Mr.A.S.Kaizer

For Respondents : Mr.R.U.Dinesh Raj Kumar

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 09.01.2023, seeking for the approval of appointment of one K.Alamelu as Secondary Grade Assistant Teacher in the petitioner's School and for payment of her salary with 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 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 first respondent herein to consider the petitioner's representation dated 09.01.2023 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 concerned respondent to consider the same on its own merits.

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

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Index: Yes/No
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M.S.RAMESH,J.

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To

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