



WEB COPY



W.P.No.6003 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6003 of 2023
and W.M.P.Nos.6017 & 6020 of 2023

1.V. Chandrika

2.J. Rajalakshmi

3.J. Sujatha

4.N. Manjula

5.P. Munniyappa

6.Chikkanna

7.S. Kesavamurthi

8.S. Shanthi

9.P. Jagganathan

... Petitioners

Vs.

1.The Chief Educational Officer,
Krishnagiri District.

2.The District Educational Officer,
Krishnagiri District.

3.Block Educational Officer,
Kelamangalam Block,
Krishnagiri District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioners dated 11.11.2022 & 08.02.2023 and accordingly direct the respondents to strictly fill up the vacancies in the post of BT Assistants in the plain areas in the Kelamangalam Block of Krishnagiri District by conducting transfer counseling as mandated by the order of the Hon'ble Division Bench in Madurai of this Court in WP.(MD).No.23772 of 2018 dated 13.03.2019 or in the alternative consider the fact that the petitioners have been working in the present station for a period of 7 to 10 years in the hilly areas and to accommodate the petitioners in any of the vacancies in the plain areas in Kelamangalam Block plain of Krishnagiri District.

For Petitioners : M/s.Dakshayani Reddy,
Senior Counsel
for M/s.Suneetha

For Respondents : Mr.R.V. Dinesh Raj Kumar,
Additional Government Pleader

ORDER

Mr.R.V. Dinesh Raj Kumar, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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2. The petitioners herein have given representations dated 11.11.2022 and 08.02.2023, seeking to fill up the vacancies in the post of BT Assistant in the plain areas by conducting transfer counseling. Since the said representations were not considered, the present Writ Petition has been filed.

3. 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 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. Since the representations given by the petitioners does not include the order passed by this Court in the case of '**K.K. Ramesh Vs.**



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The Union of India, Rep. by its Home Secretary, Ministry of Home Affairs' dated 13.03.2019 passed in *WP.(MD).No.23772 of 2018*, as sought for in the prayer of the present Writ Petition, it would be appropriate that the petitioners be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioners are granted liberty to give a fresh representation to the respondents herein, ventilating their grievances, along with the copy of the order passed by this Court in *WP.(MD).No.23772 of 2018 dated 13.03.2019*. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 made by the petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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6. With the above direction, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petitions are closed.

02.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

1.The Chief Educational Officer,
Krishnagiri District.

2.The District Educational Officer,
Krishnagiri District.

3.Block Educational Officer,
Kelamangalam Block,
Krishnagiri District.



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M.S.RAMESH, J.

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