



WEB COPY



W.P.No.6010 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.6010 of 2023
and W.M.P.No.6029 of 2023

N. Krishnamurthy

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Krishnagiri District.

3.The District Educational Officer,
Krishnagiri District.

4.The Block Educational Officer,
Hosur Block,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to fill up the vacancies in the post of BT Assistant (English) in Kelamangalam Block, Krishnagiri District by giving first preference to the petitioner as per the proceedings of the Chief Educational Officer,



W.P.No.6010 of 2023

Krishnagiri in Na.Ka.No.176/A1/2022 dated 01.02.2022 or in the alternative direct the respondents to fill the vacancies in the post of BT Assistants in Kelamangalam Block by conducting transfer counseling as mandated by the Division Bench of this Court at Madurai in WP.(MD).No.23772 of 2018 vide order dated 13.03.2019.

For Petitioner : 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.

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



W.P.No.6010 of 2023

WEB COPY

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 petitioner does not include the order passed by this Court in the case of '**K.K. Ramesh Vs. 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 petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.



W.P.No.6010 of 2023

WEB COPY

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievance, 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.

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

No costs. Connected miscellaneous petition is closed.

02.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

Sni



W.P.No.6010 of 2023

WEB COPY

To

- 1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Krishnagiri District.
- 3.The District Educational Officer,
Krishnagiri District.
- 4.The Block Educational Officer,
Hosur Block,
Krishnagiri District.



WEB COPY



W.P.No.6010 of 2023

M.S.RAMESH, J.

Sni

W.P.No.6010 of 2023

02.03.2023