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W.P.No.6379 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.6379 of 2023

C.Rosily

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
School Educational Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of School Education,
DPI Compound, Nungambakkam,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Nagarcoil, Kanniyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularise the service of the petitioner post of Scavenger from the date of initial appointment on 25.03.1987 and to grant all the service and monetary benefits to the petitioner.



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For Petitioner : Mr.K.Karthikeyan

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 18.05.2022, seeking for regularization of his service in the post of Scavenger, together with all service and monetary benefits. 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 Statutory Authority would amount to dereliction of duty and hence, this



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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 herein to consider the petitioner's representation dated 18.05.2022, in accordance with G.O.Ms.No.111, School Education Department, dated 09.05.2012, and pass appropriate orders, 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 ordered. No costs.

02.03.2023

Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

- 1.The Secretary to Government,
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Secretariat, Chennai - 600 009.
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