



W.P.No.6186 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.6186 of 2023

1. T.Muthulakshmi
2. A.Selvarani

...Petitioners

Vs

1. The State of Tamil Nadu,
The Principal Secretary to Government,
School Education Department,
Chennai - 09.
2. The Director of School Education,
The Directorate of School Education,
Chennai - 06.
3. The Head Master,
Perambalur Model School,
Kilumathur,
Perambalur District.
4. The Director,
Rashriya Mathamik Shiksha Abhiyan (RMSA),
DPI compound, College Road,
Chennai - 06.

...Respondents



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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 24.12.2022 to regularize the petitioner's service from the date of our initial appointment and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears.

For Petitioners : Mrs.S.Esairani Narasimman

For R1, R2 & R4 : Mr.D.Ravichander
Special Government Pleader

ORDER

Heard Mrs.S.Esairani Narasimman, learned counsel for the petitioners and Mr.D.Ravichander, learned Special Government Pleader for the first, second and fourth respondents.

2. In view of the order to be passed in this Writ Petition directing the fourth respondent to dispose of the petitioner's representation, notice to the third respondent herein is dispensed with.

3. The petitioners herein had given a representation to the



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respondents on 24.12.2022, seeking to regularize the service from the date of their initial appointment and to pay monetary and service benefits with all consequential benefits and arrears. Since the said representation was not considered, the present writ petition has been filed.

4. 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 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.

5. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioners' representation



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dated 24.12.2022 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

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

28.02.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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