



WEB COPY



W.P.No.12674 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12674 of 2022

K.Vijayalakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Education Department,
St. George Fort, Secretariat,
Chennai-600 009.

2.The Director of School Education,
DPI Campus,
Chennai-600 006.

3.The Chief Educational Officer,
Namakkal, Namakkal District.

4.The District Educational Officer,
Namakkal, Namakkal District.

5.The Secretary,
Thillayadi Valliyammai Girls High School,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2, to count the past service of the petitioner as B.T. Assistant in the fifth respondent school from 01.06.1995 to 07.12.1997, in the light of G.O.Ms No.217, School Education Department dated 13.05.1997 and consequential proceedings of the second respondent and third



W.P.No.12674 of 2022

respondent vide Na.Ka.No.52003/G3/95, dated 16.05.1997 and vide Na.Ka.No.11569/P4/97, dated 17.07.1997, respectively, with all consequential benefits for the purpose of pension, by reconsidering the order of the third respondent vide O.Mu.No.6515/A1/2007 dated 12.11.2008, based on the representation of the petitioner dated Nil.01.2022.

For Petitioner : Mr. S.N.Ravichandran

For Respondent : Mr.P.Baladhandayutham, SGP
Nos.1 to 4

For Respondent-5 : No Appearance

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on Nil.01.2022, seeking for counting his past service as B.T. Assistant in the fifth respondent school from 01.06.1995 to 07.12.1997, in the light of G.O.Ms No.217, School Education Department dated 13.05.1997 and consequential proceedings of the second respondent and third respondent vide Na.Ka.No.52003/G3/95, dated 16.05.1997 and vide Na.Ka.No.11569/P4/97, dated 17.07.1997, respectively, with all



W.P.No.12674 of 2022

consequential benefits for the purpose of pension, by reconsidering the order of the third respondent vide O.Mu.No.6515/A1/2007 dated 12.11.2008. 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 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 Nil.01.2022 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



W.P.No.12674 of 2022

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 disposed of. There shall be no order as to costs.

21.06.2023

Index:Yes/No
Order: Speaking/Non-speaking
Neutral Citation : Yes/No

DP



W.P.No.12674 of 2022

WEB COPY

To

- 1.The Secretary to Government,
Education Department,
St. George Fort, Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
DPI Campus,
Chennai-600 006.
- 3.The Chief Educational Officer,
Namakkal, Namakkal District.
- 4.The District Educational Officer,
Namakkal, Namakkal District.
- 5.The Secretary,
Thillayadi Valliyammai Girls High School,
Namakkal District.



WEB COPY



W.P.No.12674 of 2022

M.S.RAMESH,J.

DP

W.P.No.12674 of 2022

21.06.2023