



W.P.No.14880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14880 of 2023

R.Ramamoorthy

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Education, Science & Technology
(H.S.II) Department,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
O/o The Chief Educational Office,
Egmore, Chennai - 600 006.

4.The District Educational Officer,
District Educational Office,
Saidapet, Chennai - 600 015.

5.The Head Master,
Government Higher Secondary School,
M.G.R. Nagar, Chennai - 600 078.

...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 regularise the services of the petitioner as full time Vocational Instructor in terms of G.O.(Ms) No.35, School Education Department, dated 09.02.2007 with effect from initial date of appointment besides pay all the arrears within a short date that may be fixed by this Court with all consequential service benefits such as due placement in the seniority on the basis of length of service and all other allowances attached to the post.

For Petitioner : Mr.J.Vasu

For Respondents : Mr.S.Rajesh,
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 representations to the third respondent on 16.06.2022 and 17.06.2022 to regularise the service of the petitioner as full time Vocational Instructor, in accordance with G.O.(Ms) No.35, School Education Department, dated 09.02.2007, from the date of his initial appointment, and to grant all consequential service and



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monetary benefits. The said representations have not been considered by the respondents till date and hence, the petitioner has preferred the present Writ Petition.

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 him 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 the Constitution of the 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 second and third respondents herein to consider the petitioner's representations dated 16.06.2022 and 17.06.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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



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the claim made by 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 disposed of.

No costs.

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Index:Yes/No
Speaking order/Non-speaking order
hvk



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To

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M.S.RAMESH,J.

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