



W.P.No.14769 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.14769 of 2023

P.Dinesh

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.

2. Commissioner of Schools,
School Education Department,
DPI Campus, College Road,
Chennai - 600 006.

3. Director of Examination,
DPI Campus, College Road,
Chennai - 600 006.

4. Joint Director (Vocational Education),
DPI Campus, College Road,
Chennai - 600 006.

5. Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.

...Respondents



W.P.No.14769 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner to include his name in the list of Custodian, Chief Superintendent, Department Officer and Flying Squad, based on seniority and experience.

For Petitioner : Mr.P.Mahalakshmi

For Respondents : Mr.S.Prabhakaran,
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 prayer sought for in the present Writ Petition is for a direction to the respondent to consider the petitioner's claim for inclusion of his name in the list of Custodian, Chief Superintendent, Department Officer and Flying Squad. In this regard, the petitioner had given a representation to the Chief Educational Officer, Thiruvallur District on 07.03.2023, which has not been considered till date. Hence, the petitioner has preferred the present Writ Petition.



W.P.No.14769 of 2023

WEB COPY

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 respondent herein to consider the petitioner's representation dated 07.03.2023 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



W.P.No.14769 of 2023

WEB COPY

5. With the above direction, the Writ Petition stands disposed of.

No costs.

01.06.2023

Index: Yes/No

Speaking order/Non-speaking order
hvk

To

- 1.The Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Schools,
School Education Department,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Director of Examination,
DPI Campus, College Road,
Chennai - 600 006.
- 4.The Joint Director (Vocational Education),
DPI Campus, College Road,
Chennai - 600 006.
- 5.The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.



WEB COPY



W.P.No.14769 of 2023

M.S.RAMESH,J.

hvk

W.P.No.14769 of 2023

01.06.2023