



W.P.No.16494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.16494 of 2023**  
**and**  
**W.M.P.No.15833 of 2023**

T.Sivaraman

...Petitioner

Vs

1. Central Board of Secondary Education,  
Represented by its Secretary,  
Ps-1-2, Institution Area, I.P.Extn.,  
Patparganj, Delhi - 110 092  
Having its Regional Office at  
Plot No.1630 A, "J" Block,  
16th Main Road, Anna Nagar West,  
Chennai - 600 040.
2. The Director General,  
Ordnance Factory Board,  
Esplanade East,  
Calcutta - 700 069.
3. The General Manager,  
Heavy Vehicles Factory,  
Avadi, Chennai - 600 054.



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4.HVF English Medium Educational Society,  
Represented by its Secretary,  
Vijayanta Senior Secondary School,  
Near EME Lines, HVF Estate,  
Avadi, Chennai - 600 054.

5.Vijayanta Senior Secondary School,  
Represented by its Secretary,  
Near EME Lines, HVF Estate,  
Avadi, Chennai - 600 054.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 to 5 to calculate and release the monetary as well as service benefits of the petitioner by fixing his seniority from the date of his first appointment, i.e. from September, 2003 till date.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.G.Baskaran, CGSC

### **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 fifth respondent on 27.03.2023 to regularise his service and to grant all



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consequential service and monetary benefits. The said representation has not been considered 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 fifth respondent herein to consider the petitioner's representation dated 27.03.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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



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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.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

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To

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**M.S.RAMESH,J.**

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