



W.P.No.19110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19110 of 2023

V.Mogalingam

...Petitioner

Vs

- 1.The Sate of Tamil Nadu,
Rep. by Commissioner of School Education,
Office of the Directorate of School Education,
DPI Compound, College Road,
Nungambakkam,
Chennai - 600 008.
- 2.The Joint Director of School Education
(Higher Secondary),
Office of the Directorate of School Education,
DPI Compound, College Road,
Nungambakkam,
Chennai - 600 008.
- 3.The Chief Educational Officer,
Vellore District, Vellore.
- 4.The District Educational Officer,
Vellore District, Vellore.



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5.The Secretary, School Committee,
National Higher Secondary School,
Gudiyatham, Vellore District,
Vellore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to pass orders on the Appeal filed by the petitioner dated 22.06.2018.

For Petitioner : Mr.Venkataswamy Babu

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader

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 submitted an appeal petition to the second respondent on 22.06.2018 as against the order of dismissal passed by the first respondent. Thereafter, the second respondent has sent communications directing the petitioner to approach the fifth respondent. However, so far no reply has been given by the fifth respondent. Thus,



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the petitioner has approached this Court seeking a direction to the second respondent to pass orders on his appeal petition dated 22.06.2018.

3. It is needless to point out that whenever an appeal of this nature is made to an Appellate Authority, there is a duty cast upon him to consider the appeal 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 appeal by the Appellate 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 appeal 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 appeal petition dated 22.06.2018, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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Office of the Directorate of School Education,
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M.S.RAMESH,J.

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