



WEB COPY



W.P.(MD) No.7024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD) No.7024 of 2023

S.Akilandeswari

...Petitioner

Vs

1.The State of Tamilnadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George, Chennai - 09.

2.The Joint Director (Vocational)
of School Education,
College Road, Chennai - 06.

3.The District Educational Officer,
O/o. District Educational Office,
Nagapattinam District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 17.08.1988 to 04.10.1996 along with the regular service for the pension benefits i.e., for the period of 27 years 07 months 20 days, based on the judgment passed by the Hon'ble Division Bench in W.A.No.517 of 2020 dated 13.08.2020.



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For Petitioner : Mr.R.Saravanan

For Respondents : Mr.P.Baladhandayutham,
Special 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 given a representation to the respondents on 17.11.2022, seeking for inclusion of 50% of his part time services along with the regular service rendered by him for the purpose of pensionary 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



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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 first respondent herein to consider the petitioner's representation dated 17.11.2022 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 the claim made by 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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M.S.RAMESH,J.

hvk

To

- 1.The Principal Secretary,
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- 2.The Joint Director (Vocational)
of School Education,
College Road, Chennai - 06.
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