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W.P.No.15876 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.15876 of 2023

S. Deepa

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 006.

2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Joint Director of School Education,
(Higher Secondary),
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fill up the 2% of vacancies to the post of P.G. Assistant in Higher Secondary Educational Service from the eligible persons in Ministerial Service in School Education Department by drawing the panel every year



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from 2014 onwards as per G.O.(4D) No.21 School Education Department dated 02.11.2011 within the time frame to be fixed by this Court before filling up the vacancies by promotion by recruitment by transfer for the panel year 2023-2024, by considering petitioner's representation dated 13.06.2022 in that regard.

For Petitioner : Mr.D. Thirumoorthy

For Respondents : Mr.S. Rajesh,
Government Advocate

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate for the respondents.

2. The petitioner herein had given a representation to the respondents on 13.06.2022, requesting to fill up 2% of vacancies to the post of P.G. Assistant in Higher Secondary Educational Service from the eligible persons in Ministerial Service in School Education Department by drawing the panel every year from 2014 onwards as per G.O.(4D) No.21 School Education Department dated 02.11.2011 before filling up the vacancies by promotion by recruitment by transfer for the panel year



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2023-2024. Since the said representation was not considered, the present Writ Petition has been filed.

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 the respondents 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 Constitution of 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 respondents herein, to consider the petitioner's representation dated 13.06.2022, on its own merits and pass appropriate orders in accordance with law, within a period of six (6) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any



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of its views with regard to the merits of the claim of 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.

05.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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to Government of Tamil Nadu,
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M.S.RAMESH,J.

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