



W.P.No.16224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16224 of 2023
and W.M.P.No.15612 of 2023

R. Elango Bernard

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Compound,
Chennai – 600 006.

2.The District Educational Officer,
Vridhachalam Educational District,
Cuddalore District.

3.Block Educational Officer,
Kammapuram Block,
Kammapuram.

4.Block Educational Officer,
Srimushnam Block,
Srimushnam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's claim for transfer in the vacancy of headmaster (middle school) in the Kammapuram Block, Vridhachalam Educational



W.P.No.16224 of 2023

District as per the separate seniority allowed to be maintained by the respondents in Na.Ka.No.21243/C3/E1/2023 dated 02.05.2023 and allow him to be retained in the seniority and roll of the Kammapuram Block, Vridhachalam Educational District.

For Petitioner : Mr.P. Paramasiva Doss

For Respondents : Mr.P. Baladhandayutham,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader appearing for the respondents.

2. The petitioner herein has given representation to the first respondent on 16.05.2023, claiming to transfer him from Sri Mushnam Block to Kammapuram Block and to allow him to be retained in the same seniority and roll of the Kammapuram Block as that of Sri Mushnam Block. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.No.16224 of 2023

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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 first respondent herein, to consider the petitioner's representation dated 16.05.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



W.P.No.16224 of 2023

M.S.RAMESH,J.

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

No costs. Connected miscellaneous petition is closed.

21.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

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Kammapuram.

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W.P.No.16224 of 2023