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W.P.No.16962 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16962 of 2023

K. Janaki

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Chennai District, Egmore,
Chennai – 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the application of the petitioner dated 09.01.2023 and reminder dated 27.02.2023 and 30.05.2023 seeking appointment as Junior Assistant on Compassionate grounds.

For Petitioner : M/s.P. Ebenezer Paul

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



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein has given several representations as well as its reminders to the respondents on 20.07.2022, 27.09.2022, 09.01.2023, 27.02.2023 and 30.05.2023, seeking for appointment on compassionate grounds. Since the said representations were not considered, the Writ Petition has been filed.

3. It is needless to point out that whenever a representations of this nature is made to a Statutory Authority, there is a duty cast upon the respondent 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



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226 of Constitution of India and direct him 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 09.01.2023 and its reminders dated 27.02.2023 and 30.05.2023, 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 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.

08.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

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