



W.P.No.17204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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V.N.Faizullah

... Petitioner

Vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The District Educational Officer (Elementary),
Kallakurichi Educational District,
Kallakurichi.

3.The Block Educational Officer,
Kallakurichi Block,
Kallakurichi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for promoting the petitioner to the post of B.T.Assistant (English) in the existing vacancy in Panchayat Union Middle School, Sirumangalam, Kallakurichi Block, as a Teacher already promoted to the post of B.T. Assistant (English) and reverted as Secondary Grade Teacher for want of vacancy, without reference to any promotion counselling,



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with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

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

ORDER

Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents.

2.The petitioner herein had given a representation to the respondents on 24.11.2022 for promotion. 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 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



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the 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 24.11.2022, 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.

5.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 respondents to consider the same on its own merits.



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M.S.RAMESH,J.

vga

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

vga

To

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