



W.P.No.17509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17509 of 2023

K.Tamilvel

... Petitioner

Vs.

1.The State of Tamil Nadu rep.by
its Secretary to Government,
Education Department,
Secretariat, Chennai-9.

2.The Director of Elementary
Education, College Road,
Chennai-6.

3.The District Elementary
Educational Officer,
Ariyalur District.

4.The Secretary, Mangaiyarkarasi
Aided Middle School, Kumiliyam,
Ariyalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to count the service of the petitioner as Secondary Grade Teacher from 14.09.1999 to 31.05.2006 in the 4th respondent school for the purpose of old pension



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scheme by considering the representation dated 22.5.2023 in the light of the order passed in W.A.Nos.1573, 1574 and 1577 of 2019 dated 30.6.2022.

For Petitioner : Mr.S.N.Ravichandran
For Respondents 1 to 3 : Mr.S.Prabhakaran,
Government Advocate

ORDER

In view of the limited nature of direction this Court proposes to issue, this Writ Petition is taken up for final disposal at the stage of admission itself without ordering notice to the fourth respondent.

2. The petitioner herein had given a representation to respondents 1 to 3 on 12.5.2023 seeking to count the service of the petitioner as Secondary Grade Teacher from 14.09.1999 to 31.05.2006 in the 4th respondent school for the purpose of old pension scheme in the light of the common judgment rendered in W.A.Nos.1573, 1574 & 1577 of 2019 dated 30.6.2022. Since the said representation has not yet been considered, the Writ Petition has been filed.



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3. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 Authorities 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 respondents 1 to 3 herein, to consider the petitioner's representation dated 12.5.2023 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.



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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

Neutral Citation: Yes/No

To

1. The State of Tamil Nadu rep. by
its Secretary to Government,
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Secretariat, Chennai-9.
2. The Director of Elementary
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Chennai-6.
3. The District Elementary
Educational Officer,
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M.S.RAMESH,J.

RS/HVK

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