



WEB COPY



W.P.No.18060 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.18060 of 2023

B.David

... Petitioner

Vs.

1.The Director of Elementary
Education, DPI Compound,
College Road, Chennai-6.

2.The District Education Officer,
Thiruvallur District-602001.

3.The District Elementary Education
Officer, Thiruvallur Distrit.
602001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 04.03.2023 and fix senior grade from 22.06.1994 and consequently provide all arrears of salary pension and gratuity to the petitioner herein.

For Petitioner

: Mr.K.R.Gunashekar

For Respondents

: Mr.P.Sanjay Gandhi,
Government Advocate



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ORDER

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2. The petitioner herein had given a representation to the second respondent on 04.03.2023 seeking to fix senior grade from 22.06.1994 and consequently provide all arrears of salary, pension and gratuity to him. Since the said representation has not yet been considered, the 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 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 him to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 04.03.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 second respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

21.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

- 1.The Director of Elementary Education, DPI Compound,
College Road, Chennai-6.
- 2.The District Education Officer, Thiruvallur District-602001.
- 3.The District Elementary Education Officer, Thiruvallur Distrit.
602001.

RS/HVK



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M.S.RAMESH,J.

RS/HVK

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