



WEB COPY



W.P.No.19025 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19025 of 2023

R.Ananthi

...Petitioner

Vs

- 1.The Secretary to the Government,
School Education Department,
Fort St. George, Chennai – 9.
- 2.The Joint Director of School Education [Personnel],
College Road, Chennai – 6.
- 3.The Chief Educational Officer,
Sivagangai District.
- 4.The Accountant General,
Office of the Principal Accountant General,
No.361, Anna Salai, Chennai – 18.
- 5.The Commissioner Government Data Centre,
Engineering College Campus,
Guindy, Chennai – 25.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the list of teachers to be brought under the



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General Provident Fund Scheme and to consequently extend the pension scheme as had been made applicable to the recruits who came to be selected and appointment orders issued by the second respondent on 26.03.2003, pursuant to the selection/written examination held on 21.04.2002 by the TRB and to extend all benefits of pension under the old pension scheme.

For Petitioner : Mr.R.S.Anandan

For R1 to R3 : Mr.S.Prabhakaran
Government Advocate

ORDER

Heard Mr.R.S.Anandan, learned counsel for the petitioner and Mr.S.Prabhakaran, learned Government Advocate for the respondents 1 to 3.

2. Since this Court is directing the second respondent to consider the petitioner's representation, notice to the respondents 4 and 5 is hereby dispensed with.

3. The petitioner herein had given a representation to the second respondent on 05.09.2019 to include her name under the General



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Provident Fund Scheme and consequently extend the pension scheme.

Since the said representation was not considered, the present writ petition has been filed.

4. 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 the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 05.09.2019, 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 made by



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the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

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M.S.RAMESH,J.

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