



WEB COPY



W.P.No.19178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19178 of 2023

M. Geetha

... Petitioner

Vs.

1.The Commissioner,
School Education Department,
DPI Campus, College Road,
Chennai.

2.The Chief Educational Officer,
Mayiladuthurai,
Mayiladuthurai District.

3.The District Educational Officer,
Mayiladuthurai,
Mayiladuthurai 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 promote the petitioner from second grade teacher to BT Assistant Tamil by considering the petitioner's representation dated 29.05.2023.

For Petitioner : Mr.S. Sarath Chandran

For Respondents : Mr.S. Prabhakaran,
Government Advocate



W.P.No.19178 of 2023

ORDER

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

2. The petitioner herein has given representation dated 29.05.2023 to the second respondent, seeking for promotion to the post of BT Assistant Tamil. 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 the respondents 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 them to consider the same within a stipulated time.



W.P.No.19178 of 2023

4. Since no acknowledgement has been produced before this Court for the representation given by the petitioner, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating her grievances, along with a copy of this order. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

28.06.2023

Speaking/Non-speaking
Index:Yes/No

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W.P.No.19178 of 2023

M.S.RAMESH,J.

Sni

To

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DPI Campus, College Road,
Chennai.
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Mayiladuthurai District.
- 3.The District Educational Officer,
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