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W.P.No.1528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.1528 of 2022

E.Saravanel

...Petitioner

Vs.

- 1.The Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
O/o.The Department of Education,
College Road, Chennai-600 005.
- 3.The Chief Educational Officer,
Office of Chief Educational Officer,
Villupuram District.
- 4.The District Educational Officer,
O/o.The District Educational Officer,
Villupuram District.
- 5.The Head Master,
Government High School,
Poiyappakkam & Post,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 4 to consider the petitioner's representation dated 04.12.2021 sent for revising the scale of pay and the same was received by them on 07.12.2021 but failed to consider the same.



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For Petitioner : Mr.M.Dinesh

For Respondents : Mr.P.Gurunathan, AGP

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents 2 to 4 on 04.12.2021, which was received by them on 07.12.2021 seeking for revising his scale of pay. Since the said representation was not considered, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner's representation has to be considered in the light of the decision of this Court passed in W.P.(MD) No.17663 of 2014 dated 25.01.2018 [School Education Department Scavengers Welfare Association rep. by its Secretary, Pudukkottai District Vs. The Principal Secretary, School Education Department, Secretariat, Chennai].



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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 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.

5. In the light of the above observations and also taking into account the decision of this Court made in W.P.(MD) No.17663 of 2014 dated 25.01.2018 stated supra, the respondents herein shall endeavour to consider the petitioner's representation dated 04.12.2021 on its own merits and pass appropriate orders in accordance with law, within a period of six 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



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respondent to consider the same on its own merits.

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6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index:Yes/No
Order: Speaking/Non-speaking
Neutral Citation : Yes/No

DP



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M.S.RAMESH,J.

DP

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