



W.P.No.29674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29674 of 2023

T. Dancia Fernando

...Petitioner

Vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The District Educational Officer (Elementary),
Kancheepuram District,
Kancheepuram.

3.The Block Educational Officer,
Kundrathur Block,
Kancheepuram District.

4.The Headmaster,
Panchayat Union Primary School,
Vadakkupattu,
Kundrathur Block @ Padappai,
Kancheepuram District.

5.The Headmaster,
Panchayat Union Primary School,
Iyyappanthangal,
Kundrathur Block,
Kancheepuram District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to allow the petitioner to join the service in the post of Secondary Grade Teacher in Panchayat Union Primary School, Iyyappanthangal, Kundrathur Block, Kancheepuram District and consequently regularize the period of service from 12.09.2022 as duty period with all consequential and other attendant benefits including arrears of salary, in consideration of representations including lastly submitted representation dated 30.08.2023.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.V.P.R.Elamparithi,
Additional Government Pleader

ORDER

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

2. The petitioner herein has given several representations to the respondents on 07.02.2023, 28.02.2023, 17.03.2023, 01.04.2023,



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24.04.2023, 27.04.2023, 28.04.2023 and 30.08.2023, seeking to allow her to join the service in the post of Secondary Grade Teacher in Panchayat Union Primary School, Iyyappanthangal, Kundrathur Block, Kancheepuram District and consequently, regularize the period of service from 12.09.2022 as duty period with all consequential and other attendant benefits including arrears of salary. Since the said representations were not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representations of this nature is made to a Statutory Authority, there is a duty cast on 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 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 respondents herein to consider the petitioner's last representation dated 30.08.2023, pass appropriate orders in accordance with law, within a period of four (4) 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 the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

13.10.2023

Index:Yes/No

Speaking order/Non-speaking order

Internet:Yes/No

Neutral Citation:Yes/No

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M.S.RAMESH,J.

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