



W.P.No.30301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30301 of 2023

R. Rajasekaran

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director/Commissioner of School Education,
DPI Campus, College Road,
Chennai.
- 3.The Joint Director of School Education (Higher Secondary),
College Road, DPI Campus,
Chennai – 6.
- 4.The Chief Educational Officer,
Namakkal.
- 5.The District Educational Officer,
Namakkal,
Namakkal District.



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6.The Head Master,
Government Higher Secondary School,
Sellampatty,
Namakkal – 637 019.

7.The Chairman,
Parent and Teachers Association,
Government Higher Secondary School,
Sellampatty,
Namakkal – 637 019.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd and 4th respondents herein to pass appropriate orders on the request of regularizing writ petitioner service in time scale of pay by considering representation dated 19.07.2023 in the light of G.O.Ms.No.35, School Education Department dated 09.02.2007 within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

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



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ORDER

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

2. The petitioner herein has given a representation to the respondents on 19.07.2023, requesting to regularize his service in time scale of pay. 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 on them 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 them 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 third respondent herein to consider the petitioner's representation dated 19.07.2023 and pass appropriate orders in accordance with law, within a period of eight (8) 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.

20.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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Chennai – 600 009.
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M.S.RAMESH,J.

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