



WEB COPY



W.P.No.32227 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32227 of 2022

K.M.S.Maruthi Rajguru

...Petitioner

Vs

- 1.The Chief Educational Officer,
Thirupathur, Thirupathur District.
- 2.The District Educational Officer,
Thirupathur, Thirupathur District.
- 3.The President,
Educational Committee,
IELC Ambur Synod,
Ambur - 632 802,
Thirupathur District.
- 4.The Correspondent,
Concordia Higher Secondary School,
Ambur - 632 802,
Thirupathur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the same representation of the petitioner dated 07.08.2019 and 15.10.2022 with regard to promotion of the petitioner as



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a P.G. Assistant (Botany), in the 4th respondent school, as per Rule 15(4) of the Tamil Nadu Recognised Private School (Regulations) Rule, 1947 and as per seniority, in the vacancy caused due to retirement of Tmt.Yunis Chandrodhayam, P.G. Assistant (Botany) on 30.06.2022.

For Petitioner : Mr.S.N.Ravichandran
For R1 & R2 : Mr.P.Baladhandayutham,
Special Government Pleader
For R3 : Mr.L.Chandrakumar

ORDER

The petitioner herein had given representations to the respondents on 07.08.2019 and 15.10.2022, seeking promotion to the post of P.G. Assistant (Botany) in the fourth respondent school. The said representations have not been considered till date and hence, the petitioner has preferred the present Writ Petition.

2. 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



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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.

3. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 07.08.2019 and 15.10.2022 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 the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

4. With the above directions, 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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To

- 1.The Chief Educational Officer,
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- 2.The District Educational Officer,
Thirupathur, Thirupathur District.

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