



WEB COPY



W.P.No.31383 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31383 of 2023

M.S.Kannan

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai-09.
3. The District Educational Officer,
Thirukovilur, Villupuram - District.
4. The Chief Educational Officer,
Villupuram - District.
5. The Head Master,
Government Boys Higher Secondary School,
Manalurpettai, Thirukovilur – T.K.,
Villupuram – District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 14.06.20223 to regularize the petitioner's service from the date of his initial appointment dated 13.09.1977 and consequently direct



W.P.No.31383 of 2023

the respondents to pay monetary and service benefits with all consequential benefits and arrears.

For Petitioner : M/s.S.Esairani Narasimman

For Respondents : Mr.P.Ganesan
Govt. Advocate

ORDER

Heard Ms.S.Esairani Narasimman, learned counsel for the petitioners and Mr.P.Ganesan, learned Government Advocate for the respondents. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given a representation to the respondents on 14.06.2023 seeking for a direction to regularize the petitioner's service from the date of his initial appointment dated 13.09.1977 and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears. 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 respondent 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



W.P.No.31383 of 2023

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.

4. In the light of the above observations, there shall be a direction to the respondents to consider the representation of the petitioner dated 14.06.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

01.11.2023

Index: Yes/No
Internet: Yes/No
sr

M.S.RAMESH,J.



W.P.No.31383 of 2023

sr

WEB COPY

- To
1. The Secretary to Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai 600 009.
 2. The Director of School Education,
College Road, Chennai-09.
 3. The District Educational Officer,
Thirukovilur, Villupuram - District.
 4. The Chief Educational Officer,
Villupuram - District.
 5. The Head Master,
Government Boys Higher Secondary School,
Manalurpettai, Thirukovilur – T.K.,
Villupuram – District.

W.P.No.31383 of 2023

01.11.2023