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W.P.No.32935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32935 of 2023

K. Manimozhi

... Petitioner

Vs.

- 1.The Director,
Department of School Education,
College Road, TPI Complex,
Nungambakkam, Chennai – 34.
- 2.The Chief Educational Officer,
District CEO Office, Perambalur & District.
- 3.S. Rajendran,
Vocational Teacher,
Government Higher Secondary School,
Ammapalayam, Perambalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry in view of proceedings Na.Ka.No.7429/Aa1/2023 dated 11.09.2023 and to take appropriate action against the erring official.

For Petitioner : Mr.P. Vijendran

For R1 & R2 : Mr.V.P.R. Elamparithi,
Special Government Pleader



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ORDER

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Heard the learned counsel for the petitioner, as well as the learned Additional Government Pleader appearing for the first and second respondents.

2. In view of the orders to be passed by this Court, no prejudice will be caused to the third respondent. Hence, notice to the third respondent is hereby dispensed with.

3. The petitioner herein has given representation to the first respondent on 03.07.2023, requesting to take necessary action against the erring personalities. Since the said representation has not been considered till date, the present Writ Petition has been filed.

4. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon 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



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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, there shall be a direction to the first respondent herein, to consider the petitioner's representation dated 03.07.2023, on its own merits and 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

22.11.2023

Speaking/Non-speaking Order

Index: Yes/No

Internet: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Director,
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Nungambakkam, Chennai – 34.
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