



WEB COPY



W.P.No.32983 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.32983 of 2023

B.C. Lakshmi

... Petitioner

Vs.

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

2.The District Educational Officer, (Elementary)
Hosur Educational District,
Krishnagiri District.

3.The Block Educational Officer,
Thali Union,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders granting promotion to the post of Middle School Headmaster in Thali Union, Krishnagiri District based on seniority in the post of Primary School Headmaster with effect from 25.04.2003, on par with juniors from the panel year 2015-16 with all consequential and other attendant benefits including sanctioning of Selection Grade in the post of Primary School Headmaster by



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counting the period of service from 11.01.2006 to 11.12.2006, with payment of arrears of salary and other service benefits, in consideration of representation submitted by the petitioner dated 04.01.2017 and 07.07.2021.

For Petitioner : Mr.S. Nedunchezhiyan

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

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 several representations to the respondents including her last representation dated 07.07.2021, seeking for consideration of seniority in the post of Primary School Headmaster with effect from 25.04.2003 and based on the same, grant promotion to the post of Middle School Headmaster from the panel year 2015-16 on par with her junior, as well as consequential benefits relating to grant of Selection Grade in the post of Primary School Headmaster with effect from 25.04.2003. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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3. 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 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 herein, to consider the petitioner's representation dated 07.07.2021, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) 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 concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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5. 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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To

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
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Hosur Educational District,
Krishnagiri District.
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