



WEB COPY



W.P.No.33285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33285 of 2023

G. Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 5.The District Educational Officer (Secondary),
Thiruvannamalai District,
Thiruvannamalai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to settle the salary and other service benefits for the period forced out of employment from 27.11.2015 to 16.03.2017 as well as from 01.10.2022 to 08.08.2023 in the post of Deputy Inspector of Schools with all consequential and other attendant benefits as per the ratio laid down by this Court in W.P.(MD).No.11090 of 2021 dated 30.06.2022 as confirmed in the orders passed in W.A.(MD).No.1812 of 2023 dated 12.10.2023, in consideration of representation submitted by the petitioner, with all consequential and other attendant service benefits.

For Petitioner : Mr.G. Sankaran,
Senior Counsel
for Mr.J. Jayamalan

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

ORDER

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



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2. The petitioner herein has given several representations to the respondents, including his last representation dated 23.10.2023, seeking to regularize the period of service as duty period/compulsory wait and to pay salary for the entire period. Since the said representation has not been considered till date, 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 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 23.10.2023, on their own merits and pass appropriate orders in



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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.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

28.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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