



W.P.No.33118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33118 of 2023

&

W.M.P.No.32801 of 2023

S.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 Chief Educational Officer
Villupuram District
Villupuram
4. The District Educational Officer (Secondary)
Tindivanam Educational District
Villupuram District
5. The Secretary
Sri Sivaprakasa Swamigal Aided Higher Secondary School
Mailam



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Tindivanam – 604 304
Villupuram District

6. S.Baskaran
B.T. Assistant (Science)
Sri Sivaprakasa Swamigal Aided Higher Secondary School
Mailam
Tindivanam – 604 304
Villupuram District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to pass orders on the representation submitted by the petitioner for revocation of deployment order issued in Na.Ka.No.10177/A1/2022 dated 09.06.2023 by the 3rd respondent by taking into consideration of English medium students strength for staff fixation in the 5th respondent school and by considering the petitioner's station seniority in the cadre of B.T.Assistant with effect from 01.06.2002 based on B.Ed., qualification and in accordance with G.O.Ms.79 School Education Department dated 14.06.2002 within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Ganesan
Government Advocate for Respondents 1 to 4

ORDER

With the consent of both sides, the writ petition was taken up for final disposal at the admission stage itself.



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2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner, and Mr.P.Ganesan, learned Government Advocate for Respondents 1 to 4.

3. The petitioner herein had given a representation to the fifth respondent on 19.06.2023 for revocation of deployment order dated 09.06.2023 issued by the 3rd respondent by taking into consideration the strength of English medium students in the 5th respondent school and by considering the petitioner's station seniority in the cadre of B.T.Assistant and his B.Ed., qualification and also in accordance with G.O.Ms.79 School Education Department dated 14.06.2002. Since the said representation was not considered by the respondents, the present writ petition has been filed.

4. 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



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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.

5. In the light of the above observations, there shall be a direction to the fifth respondent herein to consider the petitioner's representation dated 05.07.2022, on its own merits and pass appropriate orders in accordance with law within a period of four 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.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.11.2023
(½)

Index: Yes/No
Speaking order/Non-speaking order
gpa



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M.S.RAMESH,J.

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