



W.P.No.34028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34028 of 2023
and
W.M.P.No.33900 of 2023

G.C.Nalinibai

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Thiruvallur.
- 2.The District Educational Officer,
Ponneri.
- 3.The Mother General,
Bishop Aelen Illam,
FSJ Generalate,
St.Thomas Mount,
Chennai – 600 016.
- 4.The Head Master,
St.Joseph High School,
Kottaikuppam, Pulicat Post,
Thrivallur District, Pin - 601 205.
- 5.A.Kirupa
Science Teacher,
St.Joseph High School,



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WEB COPY Kottaikuppam, Pulicat Post,
Thrivallur District, Pin - 601 205.

6.S.Priyanka
St.Joseph High School,
Kottaikuppam, Pulicat Post,
Thrivallur District, Pin - 601 205.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 04.09.2023 seeking to regularize petitioner's service in the 4th respondent's school consequently direct the respondents 1 and 2 from finalizing the appointment of respondents 5 and 6 as permanent teachers in the 4th respondent's school till passing of the final order on the petitioner's representation dated 04.09.2023.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.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.



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2. The petitioner herein has given a representation to the first respondent on 04.09.2023, seeking to regularize the service of the petitioner. 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 1st respondent herein, to consider the petitioner's representation dated 04.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any



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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. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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