



W.P.No.35243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35243 of 2023

K.M.H. Rafiyudeen

... Petitioner

Vs.

- 1.The Director,
Tamil Nadu School Education,
Chennai – 600 006.
- 2.The Joint Director,
Tamil Nadu School Education,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Thiruvannamalai District.
- 4.The District Educational Officer,
Thiruvannamalai District.
- 5.The Treasury Officer,
Sub-Treasury,
Polur,
Thiruvannamalai District.
- 6.The Head Master,
Government Boys High Secondary School,
Polur,
Thiruvannamalai District.

... 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 1 to 3 to consider and dispose the petitioner's representation dated 10.10.2023 and to permit the petitioner to retire from the service based on his superannuation completed on 30.04.2020 and disburse his all service benefits.

For Petitioner : Mr.S. Karunamoorthy

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

ORDER

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

2. The petitioner herein has given a representation to the respondents on 10.10.2023, seeking permission to retire from service based on his superannuation completed on 30.04.2020 and for disbursement of all his service benefits. Since there is no progress in the said representation till date, the present Writ Petition has been filed.



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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 10.10.2023, on their 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.



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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.

22.12.2023

Index:Yes/No

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To

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