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W.P.No.35793 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.35793 of 2023

S. Kishore

... Petitioner

Vs.

1.The District Education Officer,
Office of District Education,
Namakkal District.

2.The Head Master,
Mahadev Vidyalaya Higher Secondary School,
Trichengode, Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to implement the proceedings in O.Mu.No.11893/A2/2021 dated 24.12.2021 and consequently to appoint the suitable post by considering the petitioner's representation dated 20.12.2021.

For Petitioner : Mr.M. Dinesh

For R1 : Mr.M. Bindran,
Additional Government Pleader



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ORDER

Heard the learned counsel for the petitioner, as well as the learned Additional Government Pleader appearing for the first respondent.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the second respondent. Hence, notice to the said respondent is hereby dispensed with.

3. The petitioner herein has given a representation to the first respondent on 20.12.2021, seeking for appointment to the suitable post. Since there is no further progress in the said representation, 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,



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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.

5. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 20.12.2021, 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.

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

No costs.

22.12.2023

Index:Yes/No

Speaking order/Non-speaking order



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M.S.RAMESH,J.

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To

- 1.The District Education Officer,
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Namakkal District.
- 2.The Head Master,
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Trichengode, Namakkal District.

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