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W.P.No.35795 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.35795 of 2023

S.Varadarajan

... Petitioner

Vs.

1.The Secretary to the Government,
Education Department,
Fort St.George,
Chennai-9.

2.The Director of Elementary Education
College Road,
Chennai 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 07.11.2023 seeking to appoint the petitioner to the post of Block Educational Officer.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.VPR.Elamparathi (R1 and R2)
Additional Government Pleader



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ORDER

With the consent of both the 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 07.11.2023, seeking to appoint the petitioner to the post of Block Educational Officer. 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 07.11.2023, in the light of the order passed by this Court in W.P.No.4691 of 2010 dated 17.11.2016 and pass appropriate orders in accordance with law, within a period of eight (08) 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.

22.12.2023

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



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M.S.RAMESH,J.

gd

To

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