



W.P.(MD) No.12385 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.12385 of 2023
and W.M.P.(MD) No.10515 of 2023

T.Johnsy Thangabai

...Petitioner

Vs

1.The Director of School Education,
Directorate, DPI Complex,
College Road,
Chennai – 6.

2.The Chief Educational Officer,
Tenkasi District,
Tenkasi.

3.The Chief Educational Officer,
Kanyakumari District
at Nagercoil.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to transfer the petitioner in any of the existing vacancy of B.T. Assistant Maths Teacher to Kanyakumari District either in the academic year of 2023-2024 in the General Inter District Counselling or any further dates by considering the plight of the petitioner on the basis of her representation dated 28.04.2023 and 19.05.2023.



W.P.(MD) No.12385 of 2023

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondents on 28.04.2023 and 19.05.2023 seeking for transfer to any of the existing vacancy of B.T. Assistant Maths Teacher in Kanyakumari District. Since the said representations were not considered, 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 the respondents 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



W.P.(MD) No.12385 of 2023

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 1 and 2 herein to consider the petitioner's representations, dated 28.04.2023 and 19.05.2023, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible. 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. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

25.05.2023

NCC : Yes/No
Index : Yes/No
SJ

Note : Issue copy on 25.05.2023



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W.P.(MD) No.12385 of 2023

M.S.RAMESH,J.

SJ

To

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W.P. (MD) No.12385 of 2023

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