



W.P.(MD).No.12524 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12524 of 2023

J.Jenish

... Petitioner

Vs.

1. The Joint Director of School Education,
Office of the Director of School Education,
College Road, Thousand Lights West,
Thousand Lights, Subba Road Avenue,
Ningambakkam, Chennai – 600 006.

2. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3. The District Educational Officer,
Kuzhithurai Educational District,
Kanyakumari District.

4. The Correspondent,
Purushothaman Pillai Memorial,
Higher Secondary School,
Anducode,
Kanyakumari District.

5. The Head Master,
Purushothaman Pillai Memorial,
Higher Secondary School,
Anducode,
Kanyakumari District.

...Respondents



W.P.(MD).No.12524 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 17.05.2023 and to reinstate the petitioner in service and to direct the respondents to pay his salary from the date of Suspension Order and order of removal from service within a stipulated period of time.

For Petitioner : Mr.G.Anto Prince

For R-1 to R-3 : 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 a representation to the respondents on 17.05.2023 seeking to reinstate him in service and to pay salary. Since the said representation was 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



W.P.(MD).No.12524 of 2023

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 fourth respondent herein to consider the petitioner's representation, dated 17.05.2023, on its 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.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

akv



W.P.(MD).No.12524 of 2023

WEB COPY

- To
1. The Joint Director of School Education,
Office of the Director of School Education,
College Road, Thousand Lights West,
Thousand Lights, Subba Road Avenue,
Ningambakkam, Chennai – 600 006.
 2. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
 3. The District Educational Officer,
Kuzhithurai Educational District,
Kanyakumari District.
 4. The Correspondent,
Purushothaman Pillai Memorial,
Higher Secondary School,
Anducode,
Kanyakumari District.



WEB COPY



W.P.(MD).No.12524 of 2023

M.S.RAMESH, J.

akv

W.P.(MD).No.12524 of 2023

25.05.2023