



W.P.(MD)No.12543 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.12543 of 2023

and

W.M.P.(MD)Nos.10601 and 10602 of 2023

S.Durai Selvam

... Petitioner

versus

1. The Commissioner of School Education,
Chennai – 6.

2. The Chief Educational Officer,
Dindigul District.

3. The Headmaster,
Municipal Higher Secondary School,
Palani.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in No.Nil dated Nil insofar as inclusion of the petitioner's name in Serial No.21 is concerned and quash the same.



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For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by
Mr.P.T.Thiraviyam
Government Advocate

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 second respondent on 20.05.2023, seeking to delete the name of the petitioner in the list of surplus teacher. 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 other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the



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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 second respondent herein to consider the representation of the petitioner dated 20.05.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four 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. Consequently, the connected Miscellaneous Petitions are closed.

25.05.2023

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M.S.RAMESH, J.

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