



W.P.(MD).No.17462 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17462 of 2023

K.Sahadevan Sakthivel

... Petitioner

Vs.

1.The Educational Director,
2nd Grade School Education,
DPI Complex,
Nugambakkam,
Chennai.

2.The Chief Educational Officer,
Singa School Campus,
Devarpuram Road,
Thoothukudi – 628 002.

3.The District Educational Officer,
District School Complex,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to give compassionate appointment to the petitioner and to consider the petitioner's representation, dated 22.06.2023.



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For Petitioner : Mr.A.Gandiappan
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to give compassionate appointment to the petitioner, based on his representation, dated 22.06.2023.

2.Heard Mr.A.Gandiappan, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents and perused the materials available on record.

3.The petitioner's wife, one late S.Anandhi, was working as Chemistry Teacher in the Government Higher Secondary School, Pillayarnatham, Kovilpatti. She met with a road accident and died on 23.02.2022 while in service. She was survived by the petitioner and two sons. Earlier, the petitioner made an application seeking compassionate appointment to his elder son S.Vedhik, who is studying 9th standard and it will take more than five years for his studies to



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complete. Hence, the petitioner submitted a representation, dated 22.06.2023 to the respondents seeking compassionate appointment to him. However, the same is not considered. Hence, the Writ Petition came to be 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 the respondent 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 the Constitution of India and direct them to consider the same within a stipulated time.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondents to consider the representation of the petitioner, dated 22.06.2023 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

24.08.2023

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



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To

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L.VICTORIA GOWRI, J.

ps

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