



W.P.(MD).No.23257 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23257 of 2023

P.Sridevi

... Petitioner

Vs.

**1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.**

**2.The Headmaster,
Government Middle School,
Aral Perumalpuram, Nagercoil,
Kanyakumari District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service as Full-Time sweeper on the date of completion of ten years of part time service from 26.09.1989 and to pay time scale of pay and other benefits payable with effect from 26.09.1999 by counting the 50% of part time service for the purpose of pension in the light of the order passed in W.A(MD)No.93 of 2018, dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23960 of 2018 and in the light of Government Order in G.O(Ms)No.111, School Education (R1) Department, dated 09.05.2012.



WEB COPY



W.P.(MD).No.23257 of 2023

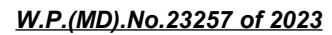
For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to regularize the petitioner's service as Full-Time sweeper on the date of completion of ten years of part time service from 26.09.1989 and to pay time scale of pay and other benefits payable with effect from 26.09.1999 by counting the 50% of part time service for the purpose of pension in the light of the order passed in W.A(MD)No.93 of 2018, dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23960 of 2018 and in the light of Government Order in G.O(Ms)No.111, School Education (R1) Department, dated 09.05.2012.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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 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-



W.P.(MD).No.23257 of 2023

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.

5. In view of the limited relief sought for by the petitioner, this Court hereby direct the respondents to consider the representations of the petitioner, dated 07.08.2023 and 12.09.2023, in the light of G.O(Ms)No.111 of the School Education (R1) Department, dated 09.05.2012 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

22.09.2023

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



W.P.(MD).No.23257 of 2023

WEB COPY

- To
- 1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
 - 2.The Headmaster,
Government Middle School,
Aral Perumalpuram, Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD).No.23257 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.23257 of 2023

22.09.2023