



W.P.(MD).No.23340 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23340 of 2023

R.Ukkirapandian

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
Chennai-6.

2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to refix the seniority of the petitioner by considering the representation submitted by the petitioner, dated 18.08.2023 within the time period stipulated by this Court.

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.T.Aswin Raja Simman
for M/s.Lajapathi Roy and Associates

ORDER

The present writ petition has been filed seeking direction to the respondent No.1 to refix the seniority of the petitioner by considering the



W.P.(MD).No.23340 of 2023

representation submitted by the petitioner, dated 18.08.2023 within the time period stipulated by this Court.

2. The petitioner was appointed in the post of PG Assistant Botany on 09.07.2004 and he was assigned with the seniority as S.No.84 by the Teachers Recruitment Board and the same could be substantiated by referring to the proceedings of the Joint Director of School Education (Higher Secondary), dated 25.06.2004. Thereafter, the seniority of the petitioner was revised and the petitioner was assigned with S.No.85. The combined seniority among the Post Graduate Assistants who were directly recruited in different subjects were drawn for the purpose of promotion to the post of Higher Secondary School Headmaster. On 14.08.2023, the provisional combined seniority list among the Post Graduate Assistants were published by the 1st respondent. The petitioner was shocked to understand that she was not assigned with rank as S.No.84, whereas all other candidates were correctly provided with their respective ranks. Hence, the petitioner submit a representation, dated 14.08.2023 through proper channel to the 1st respondent for refixing his seniority in S.No.84. However, the same was not considered.



W.P.(MD).No.23340 of 2023

WEB COPY

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 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. Considering the limited prayer sought for in this writ petition, without going into the merits of the case, this Court hereby direct the 2nd respondent to forward the representation pending before him to the 1st respondent and the 1st respondent is directed to pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

25.09.2023

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



WEB COPY



W.P.(MD).No.23340 of 2023

L.VICTORIA GOWRI, J.

gbg

To

- 1.The Director of School Education,
DPI Campus,
Chennai-6.
- 2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai.

W.P.(MD).No.23340 of 2023

25.09.2023