



W.P.(MD).No.2852 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2852 of 2024

Rajam

... Petitioner

Vs.

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

2.The District Educational Officer,
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 1st respondent to regularize the petitioner's past service from 14.12.1990 to 13.04.2010 and to pay the monetary benefits along with 18% interest, by implementing the proceedings of the Director of School Education vide.Na.Ka.No. 85859/A6/E2/2007 dated 08.03.2010 in the light of G.O.(MS)No.100 Department of School Education Tamil Nadu, dated 13.04.2010, within a time frame stipulated by this Court, by considering representation given by the



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petitioner dated 06.07.2023 and consequently impose cost on the 1st respondent for the delay.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to regularize the petitioner's past service from 14.12.1990 to 13.04.2010 and to pay the monetary benefits along with 18% interest, by implementing the proceedings of the Director of School Education vide.Na.Ka.No.85859/A6/E2/2007 dated 08.03.2010 in the light of G.O. (MS)No.100 Department of School Education Tamil Nadu, dated 13.04.2010, within a time frame stipulated by this Court, by considering representation given by the petitioner dated 06.07.2023 and consequently impose cost on the 1st respondent for the delay.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner joined as a sweeper in the Government School at Kanjairacode on 14.12.1990 through Employment Exchange. Pursuant to the order passed by this Court in W.P.(MD)No.9727 of 2006 dated 24.06.2008, the petitioner was regularized in the said post on 23.04.2010, based on the Government Order bearing G.O.No.100, dated 13.04.2010. However, the petitioner's past service from 14.12.1990 to 13.04.2010 has not been taken into account. In view of the same, the petitioner made a representation to the 1st respondent. Since the same was not considered, the present writ petition came to be filed.

3. Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Carefully perused the materials available on record.

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



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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.

5. It is made clear without going into the merits of this case that, this Court hereby direct the 1st petitioner to consider the petitioner's representation dated 06.07.2023 in the light of G.O.(Ms)No.100, Department of School Education, Tamil Nadu 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. No costs.

20.02.2024

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



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To
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Nagercoil,
Kanyakumari District.
- 2.The District Educational Officer,
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L.VICTORIA GOWRI, J.

Sml

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