



W.P.(MD).No.2959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2959 of 2024

K.Samsaath Banu

... Petitioner

Vs

1. The Commissioner,
Most Backward Class and Denotified Communities Welfare Department,
Ezhilagam, Chennai - 600 005.
2. The Joint Director,
O/o. Joint Director of Kallar Reclamation,
Madurai - 625 020.
3. The Headmaster,
Government Kallar High School,
Nellur, Athur Taluk, Dindigul 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 accord No Objection Certificate (NOC) in favor of the petitioner to get mutual transfer from the 3rd respondent Kallar Reclamation School to any Government High School or Higher Secondary School at School Education Department in terms of Clause 4(i) of the G.O.Ms. No.73, dated 25.08.2022 issued by the Principal Secretary to Government, Backward Classes, Most Backward Classes



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and Minorities Welfare Department by considering the petitioner's representation, dated 08.12.2023 within a time stipulated by this Court.

For Petitioner : Mr. C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to accord No Objection Certificate (NOC) in favour of the petitioner to get mutual transfer from the 3rd respondent Kallar Reclamation School to any Government High School or Higher Secondary School at School Education Department in terms of Clause 4(i) of the G.O.Ms. No.73, dated 25.08.2022 issued by the Principal Secretary to Government, Backward Classes, Most Backward Classes and Minorities Welfare Department by considering the petitioner's representation, dated 08.12.2023 within a time stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents. Perused the materials on record.

4.The petitioner is working as B.T.Assistant (English) in the 3rd respondent School. The 3rd respondent school comes under the control of the Most Backward Class and Denotified Communities Welfare Department and the first respondent is the Head of the Department, who has control over the affairs of the Kallar Reclamation Schools, including the third respondent school. The petitioner made an application to the first respondent on 08.12.2023 seeking transfer with all the relevant documents and the same was not considered. Hence, this writ petition came to be filed.

5.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 Statutory Authority would



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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.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the first respondent to accord No Objection Certificate (NOC) in favour of the petitioner to get mutual transfer in the light of G.O.Ms. No.73, dated 25.08.2022, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

09.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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L.VICTORIA GOWRI, J.

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ORDER IN
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