



W.P.(MD).No.4871 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4871 of 2024

SR Sreenadh

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director of School Education (Elementary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Kanyakumari District @ Nagercoil.
5. The District Educational Officer,
Marthandam, 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 provide suitable employment on compassionate grounds by considering his representation, dated 08.02.2024 within the stipulated time fixed by this Court.



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For Petitioner : Mr. SC.Herold Singh

For Respondents : Mr.M.Sarangan
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to provide suitable employment on compassionate grounds by considering his representation, dated 08.02.2024 within the stipulated time fixed 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.

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

4.While the petitioner's mother was working as Headmistress at Government Primary School, Orunooranvayal, she passed away on 13.01.2009.



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On 16.11.2011, the petitioner submitted his application seeking appointment on compassionate grounds to the respondents and the same was not considered. Therefore, he made another reminder on 08.02.2024 and the same is also 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 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 the respondents to consider the same within a stipulated time.

6.The learned Additional Government Pleader appearing for the respondents questioned the latches and delay in sending the reminder and also drew my attention that no acknowledgement was made in the application of the petitioner, dated 16.11.2011.



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7.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 respondents to consider the representation of the petitioner, dated 08.02.2024 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.

8.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

01.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
3. The Joint Director of School Education (Elementary),
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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