



W.P.(MD).No.5020 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5020 of 2024

A.Sebastian

... Petitioner

Vs.

1.The Chief Educational Officer,
Thirunelveli District,
Thirunelveli

2.The District Educational Officer,
Thirunelveli District,
Cheranmathevi,
Thirunelveli.

... 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 consider the petitioner's representation dated 22.07.2023 and allow him to retire from the service and pay all the retirement benefits within a stipulated time as fixed by this Court.

For Petitioner : Mr.D.Sureshkumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader



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ORDER

Mr. M.Sarangan, learned Additional Government Pleader takes notice for the respondents.

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

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

The petitioner was initially appointed as Office Assistant by the 2nd respondent vide his proceedings dated 06.04.1992. Subsequently, he was regularized by the proceedings of the respondents dated 03.11.1993. While so, the petitioner suffered with health issues in the year 2006 and he was not able to continue. Hence, he sent a resignation letter on 24.03.2007. On receipt of the petitioner's resignation letter, the 2nd respondent instructed him to apply under the Voluntary Retirement Scheme on 27.08.2007 through the Head Master of School requesting them to allow him to retire from 30.04.2007. But the said



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application came to be rejected by the respondents on 12.10.2007 for the reason that the petitioner has not completed 20 years of service and had not attained 50 years of age. In the meanwhile, on 22.06.2015, he received a notice seeking explanation for his prolonged absence for which the petitioner has submitted his explanation on 15.07.2015. Thereafter, the petitioner has made a representation on 11.08.2022 requesting the respondent to allow him to retire from service. Further a representation was made on 22.07.2023. Both the representations were not considered. Hence, this Writ Petition came to be filed.

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 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.



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5. It is made clear that without going into the merits of this case, this Court hereby direct the respondents to consider the representations of the petitioner dated 11.08.2022 and 22.07.2023 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
CM
To

1.The Chief Educational Officer,
Thirunelveli District,
Thirunelveli

2.The District Educational Officer,
Thirunelveli District,
Cheranmathevi,
Thirunelveli.



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L.VICTORIA GOWRI, J.

CM

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