



W.P.(MD).No.4961 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4961 of 2022

Gnanaguru Vidyasalai Primary School,
by its Correspondent/Manager,
I.Samuel

... Petitioner

Vs

1. The District Educational Officer,
Sankarankovil, Tenkasi District.

2. The Block Educational Officer,
Alangulam Taluk, Tenkasi 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 consider the representaiton of the petitioner, dated 05.11.2021 and pass orders on mertis to sanction and pay the salary to the teaching staffs through the Correspondent / Manager of the petitioner school by recalling the order of direct payment within the time fixed by this Court.

For Petitioner : Mr. H.Arumugam

For Respondents : Mr.T.Amjad Khan(R1,R2)
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to consider the representaiton of the petitioner, dated 05.11.2021.

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

3.The petitioner School is a recognised Minority Institution receiving grant-in-aid from the Government. Originally, in view of the registration of FIR in Cr.No.317 of 2020 against Correspondent's son-in-law John Stalin by Devarkulam Police Station, Tirunelveli District, direct payment was ordered by the respondent authorities. In the meantime, FIR has been referred as 'further action dropped' and consequently, closed. Under such circumstances, the representation given by the petitioner on 05.09.2024 for withdrawing the order of direct payment was not considered by the respondents. Hence, this writ petition came to be registered.



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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 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.

5. 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 05.09.2024 and pass appropriate orders in accordance with law, within a period of four (4) weeks, from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.



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NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Sankarankovil, Tenkasi District.

2. The Block Educational Officer,
Alangulam Taluk, Tenkasi District.

L.VICTORIA GOWRI, J.



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**ORDER IN
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22.11.2024