



W.P.(MD).No.5112 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5112 of 2024

P.Chandramony

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Tenkasi District.
- 2.The District Educational Officer,
Sankarankovil,
Tenkasi District.
- 3.The Headmaster,
Government Higher Secondary School,
Alangulam,
Tenkasi District.
- 4.The Headmaster,
Government High School,
Pottal,
Ambasamuthiram Taluk,
Tirunelveli 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



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mark the petitioner's presence on 15.10.2015 and sanction the one-day salary and Special Grade with all consequential monetary benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : M/s.M.Sarangan,
Additional Government Pleader

ORDER

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

2. The present writ petition has been filed seeking direction to mark the petitioner's presence on 15.10.2015 and sanction the one-day salary and Special Grade with all consequential monetary benefits.

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

The petitioner was appointed as Secondary Grade Teacher on 27.07.1999 at Palaniyammal Municipal Girls Higher Secondary School, Tiruppur District. She was transferred to the 3rd respondent school on 01.06.2017. On 15.10.2015,



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though the petitioner attended the school, the 4th respondent / Head Master deliberately marked the petitioner as absent and stopped one day salary of the petitioner. The District Educational Officer, Cheranmahadevi conducted inspection and issued direction to the 4th respondent to enter the petitioner's higher qualification in his service register and further directed to report the compliance before 26.09.2016, vide proceedings dated 21.09.2016. Accordingly, the same was complied by the 4th respondent on 26.09.2016. However, the 3rd respondent returned the proposal for want of prior permission for higher qualification on 06.01.2020. The petitioner requested the 4th respondent to record his presence in the School on 15.10.2015 and duly release his one day salary. However, the 4th respondent did not heed to the request of the petitioner. In the meanwhile, the petitioner was transferred to the 3rd respondent school. After transfer, he made a request to the 3rd respondent on 21.11.2017 enclosing the documents and the same was forwarded to the 1st respondent. The 1st respondent directed the 4th respondent to take immediate action and submit a report. However, the 4th respondent did not file and submit any report. Despite the petitioner's continuous representation dated 31.01.2018, 08.09.2018 and on 17.10.2018, the respondents did not consider the same. The



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petitioner also sent reminders on 30.11.2020, 23.02.2021 and on 21.11.2022.

Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Carefully perused the materials available on record.

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 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.

6. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner and pass appropriate



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orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

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

04.03.2024

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

To

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L.VICTORIA GOWRI, J.

Sml

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