



W.P.(MD).No.5606 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5606 of 2024

A.Sasikumar

... Petitioner

Vs

1. The Director,
Directorate of School Education,
College Road, Nungampakkam,
Chennai 600 006.
2. The Joint Director,
Secondary School Education,
College Road,
Nungampakkam, Chennai.
3. The Chief Educational Officer,
Thanjavur, Thanjavur District.
4. The District Educational Officer (Secondary),
Kumbakonam, Thanjavur District.
5. The Correspondent,
Oriental Higher Secondary School,
Kumbakonam, Thanjavur 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 dispose the petitioner's Review Petition, dated 02.08.2023, which is pending before the 1st respondent within a stipulated time fixed by this Court.



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For Petitioner : Mr. G.Gomathisankar

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to dispose the petitioner's Review Petition, dated 02.08.2023, which is pending before the 1st respondent within a 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.The petitioner was appointed as Record Clerk in the fifth respondent School on 01.12.2008. A proposal to approve his appointment was forwarded by the fifth respondent to the fourth respondent. Subsequently, the



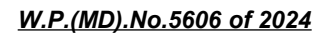
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fourth respondent had sent a letter to the fifth respondent on 27.09.2023 stating that the proposal would be sent to the 3rd respondent. The proposal for approval of appointment of the petitioner is pending before the second respondent.

(ii).While so, he was removed from service by the fifth respondent, without any prior notice. Against which, he filed a writ petition in W.P(MD)No.13511 of 2017 and this Court disposed of the same on 18.02.2019 by directing the fifth respondent to consider the representation of the petitioner in accordance with law. Pursuant to the order passed by this Court, the fifth respondent issued notice to the petitioner and conducted enquiry. The explanation submitted by the petitioner was not considered by the fifth respondent and rejected the claim of the petitioner vide order, dated 13.05.2019.

(iii).Challenging the same, the petitioner filed another writ petition in WP(MD) No.14026 of 2019 and this Court, vide order, dated 15.07.2019 dispose of the same by giving liberty to the petitioner to approach the appellate authority/Joint Director of School and Education Department.

(iv).Pursuant to the same, the petitioner preferred an appeal before the second respondent and the same was rejected vide order, dated 31.05.2023. Against which, the petitioner preferred a review petition before the first



5. It is needless to point out that whenever a representation/review 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/review 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.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 dispose of the review petition preferred by the petitioner, dated 02.08.2023 in accordance with law, within a period of six (6) weeks, from the date of receipt of a copy of this order.



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

There shall be no order as to costs.

08.03.2024

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

To

1. The Director,
Directorate of School Education,
College Road, Nungampakkam,
Chennai 600 006.
2. The Joint Director,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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