



W.P(MD)No.5664 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.5664 of 2024
and
W.M.P(MD)No.5356 of 2024

Ravichandran

... Petitioner

Vs.

- 1.The Director/Appellate Authority,
School Education Department,
College Road, Chennai-600 006.
- 2.The Joint Director,
Higher Secondary School Education Department,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Dindigul,
Dindigul District.
- 4.The Headmaster,
Government Girls Higher Secondary School,
Dindigul.

... 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 Appeal, dated 29.08.2023, pending on the file of the 1st respondent against the order passed by the 2nd respondent in ந.க.எண்.



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015363/டபிள்யு 2/இ3/2023, dated 14.08.2023, within the stipulated time fixed by this Court.

For Petitioner : Mr.V.Karuna

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to dispose the petitioner's Appeal, dated 29.08.2023, pending on the file of the 1st respondent against the order passed by the 2nd respondent in ந.க.எண். 015363/டபிள்யு 2/இ3/2023, dated 14.08.2023, within the stipulated time fixed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as a Secondary Grade Teacher in Chemistry in Sellamudi Girls Higher Secondary School on 29.08.2008. Thereafter, he was transferred to the 4th respondent school on 05.09.2009. While so, on 03.07.2023, he was visited with a show cause notice under



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Section 17(a) of the Tamil Nadu Civil Service (Discipline & Appeal) Rules by the 2nd respondent. On 19.07.2023, the petitioner gave his explanation for the said show cause notice to the 2nd respondent through 3rd and 4th respondents. Not being satisfied by his explanation, dated 14.08.2023, an order of punishment of stoppage of increment for a period of one year came to be passed. Against which, the petitioner preferred an appeal before the 1st respondent on 29.08.2023 along with his explanation. However, the same is still pending before the 1st respondent without consideration. 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.

5. Without going into the merits of this case, this Court hereby direct the 1st respondent to consider the appeal made by the petitioner, dated 29.08.2023



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and pass appropriate orders in accordance with law within a period of ten (10) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

11.03.2024

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

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To

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Higher Secondary School Education Department,
College Road, Chennai-600 006.
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L.VICTORIA GOWRI, J.

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