



W.P.(MD).No.5878 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5878 of 2024

K.Ganapathi

... Petitioner

Vs.

1. The Joint Director of School Education,
(Personal)
DPI Compound,
College Road, Chennai-6.
2. The Chief Educational officer,
Integrated School Education,
Office of Chief Educational Office,
Thoothukudi District,
Thoothukudi.
3. The Chief Educational Officer,
Integrated School Education,
Office of Chief Educational Office,
Thanjavur District,
Thanjavur.

... 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 & 2nd respondents to consider the petitioner's representation dated 30.01.2024 for



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accommodating her in Thoothukudi District itself under the spouse category within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.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 the respondents 1 and 2 to consider the petitioner's representation dated 30.01.2024 for accommodating her in Thoothukudi District itself under the spouse category.

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

Based on the selection done by the Teachers Recruitment Board for the year 2008 - 2009, the petitioner was appointed as Block Resources teacher on



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26.08.2009 in Thiruchendur Block coming under the 2nd respondent jurisdiction. Thereafter, he was transferred to Ottapidaram Block at 24.06.2014 which would also come under the jurisdiction of the 2nd respondent. The petitioner's husband is working as BT Assistant (Maths) in the Government High School, Epothumvendran at Thoothukudi District and her two children are studying in 7th and 6th standards respectively at Thoothukudi. While so, pursuant to the mass transfer done based on G.O.(1D)No.134, School Education Department, dated 18.08.2021, the petitioner was transferred from Ottapidaram Block to Thiruvidaimaruthur Block on 20.10.2021. Pursuant to the relieving order, the petitioner joined in the transferred place, that is, Thiruvidaimarudhur Block at Thanjavur District. The entire family including the children of the petitioner are left in lurch at Thoothukudi. Hence, she made a requisition by registered post to the 1st respondent on 30.01.2024 to reconsider her case for posting her at Thoothukudi District. However, the same was not considered by the respondents. Hence, the present writ petition came to be filed.



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4. Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader 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 1 and 2 to consider the representation fo the petitioner dated 30.01.2024 and pass appropriate orders 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. Accordingly, this Writ Petition stands disposed of. No costs.

12.03.2024

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

To

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L.VICTORIA GOWRI, J.

Sml

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