



W.P.(MD).No.6073 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6073 of 2024

S.Thayammal

...Petitioner

Vs

1.The District Educational Officer,
Nagercoil,
Kanyakumari District.

2.The Headmaster,
Government High School,
Thirupathisaram,
Kanyakumari 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 regularize the petitioner's service as Full-Time sweeper on the date of completion of ten years of part time service from 07.11.1985 and to pay time scale of pay and other benefits payable with effect from 07.11.1995 by counting the 50% of part time service for the purpose of pension in the light of the order passed in W.A.(MD).No. 93/2018 dated 27.03.2018 as confirmed by the apex court by dismissal of S.L.P.No.23960 of 2018 and in the light of Government Order in G.O.Ms.No.111, School Education (R1) dated 09.05.2012.



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For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the Chief Educational Officer, Nagercoil, Kanyakumari District on 18.10.2022 seeking for regularization of her service as Full-Time sweeper on the date of completion of ten years of part time service from 07.11.1985 and to pay time scale of pay and other benefits payable with effect from 07.11.1995 by counting 50% of part time service for the purpose of pension, in the light of the order passed in W.A.(MD).No.93/2018 dated 27.03.2018 as confirmed by the apex court by dismissal of S.L.P.No. 23960 of 2018 and in the light of Government Order in G.O.Ms.No.111, School Education (R1) dated 09.05.2012. Since the said representation was not considered, the present writ petition has been filed.



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3. 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 authority 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the petitioner to file a fresh representation before the first respondent herein within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the petitioner's representation on its own merits and pass appropriate orders in accordance with law, within a period of four weeks



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therefrom. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands **disposed of**.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The District Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The Headmaster,
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R.N.MANJULA, J.

Nsr

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