



W.P.(MD).No.8078 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8078 of 2024

L.Saradha Bai

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary
Department of School Education
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai- 600 006..
3. The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.
4. The District Educational Officer,
Kuzhithurai - 629 163,
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 consider and pass orders on the petitioner's representation, dated 18.10.2022 to approve her service as junior Assistant during the period between from



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03.10.1980 to 30.09.1994 in the 5th respondent school namely, St. Joseph's Higher Secondary School, Tiruthuvapuram, Kanyakumari District, with all attendant service benefits including the arrears of salary and allowance, in terms of the Ordes of the Division bench of this Honble Court dated 24.03.2008 in W.A. No. 1329 of 2000, etc, batch, more particularly in W.P. No.4000 of 1986.

For Petitioner : Ms.M.F.Rooshi Maas
for M/s.Isaac Chambers

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

ORDER

The present writ petition has been filed seeking a direction to the respondents to consider and pass orders on the petitioner's representation, dated 18.10.2022 to approve her service as Junior Assistant during the period between from 03.10.1980 to 30.09.1994 in the 5th respondent school namely, St. Joseph's Higher Secondary School, Tiruthuvapuram, Kanyakumari District, with all attendant service benefits including the arrears of salary and allowance, in terms of the Ordes of the Division bench of this Honble Court dated 24.03.2008 in W.A. No. 1329 of 2000, etc, batch, more particularly in W.P. No. 4000 of 1986.



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1986. However, the salary for the petitioner from 03.10.1980 to 30.09.1994 has not been disbursed so far. Therefore, the petitioner made representation on 18.10.2022 and the same was not considered. Hence, this writ petition came to be filed.

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 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 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 fourth respondent to consider the representation of the petitioner, dated 18.10.2022 and pass appropriate orders within a period of twelve (12) 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.

28.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Secretary, State of Tamil Nadu,
Department of School Education
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai- 600 006..
3. The Chief Educational Officer,
Kanyakumari District,
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L.VICTORIA GOWRI, J.

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