



W.P.(MD)No.11536 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11536 of 2024

C.Arul Dass Neves

... Petitioner

Vs.

1. The Director,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Trichy District, Trichy.
3. The District Elementary Educational Officer,
Trichy,
Trichy District.
4. The District Elementary Educational Officer,
Musiri,
Trichy District.
5. P.Jeyaraman,
Block Educational Officer,
Trichy West, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 27.03.2024 and pass appropriate orders on merits and in accordance with law.



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For Petitioner : Mr.B.S.Meltiue
For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

Heard Mr.B.S.Meltiue, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. This Writ Petition has been filed seeking direction to the first respondent to consider the petitioner's representation dated 27.03.2024 and pass appropriate orders on merits and in accordance with law.

3. According to the petitioner, he was originally posted to Trichy zone on 29.12.2021 for the post of Block Educational Officer and within a period of ten months, without issuing any transfer order, he has been transferred to Thuraiyur Block. The petitioner herein had given a representation to the respondents on 27.03.2024 seeking him to retransfer from Thuraiyur Block to Trichy Zone on medical grounds. Since the said representation was not considered, the present writ petition has been 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 first respondent to



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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 first respondent is required to be given with direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the first respondent to consider the petitioner's representation dated 27.03.2024 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the first respondent to consider the same on its own merits. No costs.

11.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

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To

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R.N.MANJULA, J.

TSG

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