



WP(MD). No.11242 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03/06/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.11534 of 2024

Kaleeswaran

... Petitioner

Vs

**1.The State of Tamil Nadu
The Principal Secretary to Government
School Education Department
St George Fort,
Chennai**

**2.The Director Project Coordination
Chief Educational Officer,
Sivagangai
Sivagangai District**

**3.The District Collector
Sivagangai District
Sivagangai**

**4.The Headmaster
UT/RMSA Model School
S.Pudur, Singampunari
Sivagangai District**

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the



WP(MD). No.11242 of 2024

respondents 1 to 3 to consider the petitioner's representation dated 14.03.2024 based on the proceedings in Na.Ka.No.158/2015 dated 28.10.2015.

For Petitioner : Mr.S.Muthupandi

For Respondents : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader

ORDER

Heard Mr.S.Muthupandi, learned counsel for the petitioner and Mr.M.Siddharthan learned Additional Public Prosecutor, for the respondents. Since no adverse order is going to be passed against the 4th respondent, notice to the fourth respondent is dispensed with.

2.This writ petition has been filed for a direction to the respondents 1 to 3 to consider the petitioner's representation dated 14.03.2024 based on the proceedings in Na.Ka.No.158/2015 dated 28.10.2015.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



WP(MD). No.11242 of 2024

4. The petitioner herein had given a representation to the respondents to grant time scale of pay based on the recommendation of the 4th respondent dated 28.10.2015 to the third respondent based on the proceedings of the first respondent dated 22.02.2012. It is stated that the petitioner is working as a Librarian in the 4th respondent's school from the year 2005. As per G.O.Ms.No.22, dated 28.02.2006, persons who have completed ten years of service on daily wages as on 01.01.2006 would be regularised. Accordingly, the 4th respondent school sent recommendation to the first respondent for regularising the petitioner, who has completed ten years of service. The same was not considered and hence the petitioner sent a representation to the respondents 1 to 3. Since the said representation was not considered by the respondents so far, the present writ petition has been 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



WP(MD). No.11242 of 2024

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 a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 14.03.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four 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 case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



WP(MD). No.11242 of 2024

7. With the above direction, this writ petition is disposed of. No

costs.

03.06.2024

NCC : Yes/No
Index : Yes/No

RR

TO

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Sivagangai District

3.The District Collector
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R.N.MANJULA, J.

RR

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