



WP(MD) No.10689 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.10689 of 2024

R.Pandiselvi

... Petitioner

Vs.

1.The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
College Road,
Nungampakkam,
Chennai - 600 006.

2.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungampakkam,
Chennai - 600 006.



WP(MD) No.10689 of 2024

3.The Chief Educational Officer

O/o.The Chief Educational Officer,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to permit the petitioner to work continuously in Andipatti Block Resource Centre, Theni District as Block Resource Teacher Educator till the general counselling for transfer and consequential direction to the respondents to provide priority in the category of Single Woman over the age of 40 and legally divorced Woman in the light of G.O.Ms.No.176 School Education (SE5(1)) Department, dated 17.12.2021.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents: Mr.T.Amjadkhan

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus directing the respondents to permit the petitioner



WP(MD) No.10689 of 2024

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to work continuously in Andipatti Block Resource Centre, Theni District as Block Resource Teacher Educator till the general counselling for transfer and consequential direction to the respondents to provide priority in the category of Single Woman over the age of 40 and legally divorced Woman in the light of G.O.Ms.No.176 School Education (SE5(1)) Department, dated 17.12.2021.

2. Heard Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

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

4. The petitioner herein had given a representation to the respondents on 17.04.2024 seeking to consider her case and allow her to continue in the same place till next general counseling.



WP(MD) No.10689 of 2024

The petitioner has submitted all the earlier communications and the Government Order along with the above representation in this regard. 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 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.



WP(MD) No.10689 of 2024

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6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 17.04.2024 on its own merits and pass appropriate orders in accordance with law, 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 claim of the petitioner and it is open to the respondents to consider the same on its own merits. Till such time, the petitioner shall be allowed to continue her services in the present place of posting.

7. With the above direction, the Writ Petition stands **disposed of**. No costs.

29.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

5/7



WP(MD) No.10689 of 2024

WEB COPY

To

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Theni



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WP(MD) No.10689 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.10689 of 2024

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