



WP(MD) No.11293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.05.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11293 of 2024

S.Suresh

... Petitioner

Vs.

1.The Director of Elementary Education,
Directorate of Elementary Education Office,
DPI Campus, Nungampakkam,
Chennai - 34.

2.The Chief Educational Officer
O/o.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

3.The District Elementary Officer (Elementary),
O/o. the District Educational Office,
Sivakasi, Virudhunagar District.

4.The Block Elementary Educational Officer-II,
O/o. The Block Educational Office,
Vembakottai Union, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 17.05.2024 to transfer and post the petitioner as Secondary Grade Teacher in the retirement vacancy at Panchayat Union Middle School, Ramuthevanpatti, Vembakkottai Union, Virudhunagar District taking into account of his seniority in the surplus counseling scheduled to be



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held on 28.05.2024 in terms of Clause (2)(a)(1) (vi & vii) of the G.O.Ms.No. 176, School Education Department, dated 17.12.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawazkhan,
for M/s.Ajmal Associates

For Respondents : Mr.D.Gandhi Raj,
Special Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.05.2024 to transfer and post the petitioner as Secondary Grade Teacher in the retirement vacancy at Panchayat Union Middle School, Ramuthevanpatti, Vembakkottai Union, Virudhunagar District, taking into account of his seniority in the surplus counselling scheduled to be held on 28.05.2024 in terms of Clause (2)(a)(1) (vi & vii) of the G.O.Ms.No.176, School Education Department, dated 17.12.2021 within the period that may be stipulated by this Court.

2. Heard Mr.A.Nawazkhan, learned counsel for the petitioner and Mr.D.Gandhi Raj, learned Special Government Pleader for the respondents.



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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 17.05.2024, seeking to transfer and post him as Secondary Grade Teacher in the retirement vacancy at Panchayat Union Middle School, Ramuthevanpatti, Vembakkottai Union, Virudhunagar District. 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



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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 herein to consider the petitioner's representation dated 17.05.2024 on its own merits and pass appropriate orders in accordance with law, as early as possible, preferably, before the date of counselling, which is scheduled to be held on 28.05.2024. 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.

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

No costs.

22.05.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

Yuva



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R.N.MANJULA, J.

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Order made in
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