



W.P.(MD)No.11338 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11338 of 2024

and

W.M.P.(MD).Nos.10082 and 10084 of 2024

M.Thangaraj

... Petitioner

Vs.

- 1.The Director,
Director of School Education,
DPI Campus,
Chennai.
- 2.The Chief Educational Officer,
Chief Educational Office,
Syed Mudharsa Higher Secondary School,
Trichy 620 008.
- 3.The District Education Officer,
District Education Office,
Trichy 620 001.
- 4.The Correspondent,
E.R.Higher Secondary School,
Trichy 620 002.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote or fill up the post of P.G.Assistant (Tamil) in the fourth respondent School to enable the petitioner to work in the post of regular vacancy of B.T.Assistant (Tamil), based on the representation of the petitioner, dated 11.05.2024.

For Petitioner : Mr.S.Ramsundarvijayraj
For R1 to R3 : Mr.D.Gandhiraj
Special Government Pleader
For R4 : Mr.V.Pannerselvam

ORDER

The petitioner has filed this writ petition seeking direction to the respondents to promote or fill up the post of P.G.Assistant (Tamil) in the fourth respondent School to enable the petitioner to work in the post of regular vacancy of B.T.Assistant (Tamil), based on the representation of the petitioner, dated 11.05.2024.

2. Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader



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appearing for the respondents 1 to 3 and Mr.V.Pannerselvam, learned counsel appearing for the fourth respondent.

3. The petitioner was appointed as a B.T.Assistant in the fourth respondent School on 11.12.2009 and his service has been regularised from the date of appointment. He has been working in the fourth respondent School for the past 15 years. The post of P.G.Assistant in the Department of Tamil has been vacant for the past five years and till now the post has not been filled up. Hence, the petitioner has made a representation to the authorities on 11.05.2024, seeking to promote him to the post of P.G.Assistant Tamil, to enable him to work in the regular post. Since the said representation has not been considered by the respondents, the present writ petition has been filed.

4. Be that as it may, 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 them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same



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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 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 11.05.2024, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 second respondent to consider the same on its own merits.



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6. With the above direction, this Writ Petition is **disposed of**.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.05.2024

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

Note: Issue order copy on **23.05.2024**.

akv

To

1. The Director,
Director of School Education,
DPI Campus,
Chennai.
2. The Chief Educational Officer,
Chief Educational Office,
Syed Mudharsa Higher Secondary School,
Trichy 620 008.
3. The District Education Officer,
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R.N.MANJULA,J.

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