



W.P.(MD).No.12390 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12390 of 2024

T.Muthusamy

...Petitioner

Vs

1.The Director of School Education,
Chennai – 6.

2.The Director of Elementary Education,
College Road,
Nungampakkam,
Chennai – 6.

3.The Chief Educational Officer,
Tirunelveli.

4.The District Educational Officer,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to regularize the service of the petitioner from the year 2001 onwards on the basis of the Nativity certificate issued by the Revenue Divisional Officer, Dharmapuri and on the basis of the following,



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1. Order passed by the Principal Bench of this Hon'ble High Court in W.P.No.8596 of 2002 dated 14.03.2002 and
2. Re-verification report of the Revenue Divisional Officer, Dharmapuri and further direct the respondents to fix regular time scale of pay to the petitioner from the year 2001 onwards and grant consequential attendant and monetary benefits with 6% interest.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents through proper channel on 10.07.2021 seeking for regularization of her service from the year 2002 on the basis of the Nativity certificate issued by the Revenue Divisional Officer, Dharmapuri and in the light of the order dated 14.03.2002 in W.P.No.8596 of 2002 and also the Re-verification report of the Revenue



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Divisional Officer. Since the said representation was not considered, the present writ petition has been filed.

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

4. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 10.07.2021 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



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of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

12.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Director of School Education,
Chennai – 6.
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R.N.MANJULA, J.

Nsr

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