



W.P.(MD).No.12279 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.12279 of 2024

K.Vinoth Kumar

... Petitioner

Vs

1. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.
2. The Joint Director (Personnel), Directorate of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Sivagangai, Sivagangai District.
4. The District Educational Officer,
Sivagangai, Sivagangai District.
5. The Block Educational Officer,
Manamadurai, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent



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herein to appoint the petitioner in any suitable post on compassionate grounds based on the application dated 24.06.2021 submitted by the petitioner to the 5th respondent within a reasonable time frame stipulated by this Court.

For Petitioner : Mr. K.C.Ramalingam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.K.C.Ramalingam, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.This Writ Petition has been filed for a direction to the 2nd respondent to appoint the petitioner in any suitable post on compassionate grounds based on the application, dated 24.06.2021.

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

4. The petitioner's father C.Krishnan, who was working as Junior Assistant in the 5th respondent Office died on 26.11.2020. Seeking



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appointment on compassionate grounds, the petitioner's mother had given an application to the 5th respondent on 24.06.2021. On 02.09.2021, the same was forwarded by the 5th respondent to the 4th respondent. Subsequently, the 4th respondent forwarded the same to the 3rd respondent, who in turn, vide proceedings, dated 28.11.2022 forwarded the same to the 2nd respondent. However, without passing any orders, the same is pending before the 2nd respondent for the past two years. Hence, 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



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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 2nd respondent herein to consider the petitioner's application, dated 24.06.2021, 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.

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

12.06.2024

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



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To

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R.N.MANJULA, J.

PNM

ORDER IN
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