



W.P.(MD)No.15079 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15079 of 2024

M.I.Maheen

... Petitioner

Vs.

1.The Chief Educational Officer,
Kanyakumari District at Nagercoil.

2.The Headmistress,
Government Higher Secondary School,
Vallankumaravillai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse a sum of Rs.3,90,330/- towards temporary advance from the scheme of General Provident Fund.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.R.Amjad Khan
Government Advocate

ORDER

Heard Mr.S.Xavier Rajini, learned counsel for the petitioner and
Mr.R,Amjad Khan, learned Government Advocate for the respondents.



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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has filed this writ petition seeking a Writ of Mandamus to direct the respondents to disburse a sum of Rs.3,90,330/- towards temporary advance from the scheme of General Provident Fund.

4. The petitioner applied for disbursement of temporary advance to meet out medical expenses of his wife on 30.04.2024. He has also made representations to the respondents to disburse the said amount on several occasions and lastly on 11.06.2024. Since the same was not considered so far, the petitioner has filed this writ petition.

5. It is needless to point out that whenever an application of this nature is made to a Government 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. The failure on the part of the authority had prompted the petitioner to file this



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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 application of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's application dated 30.04.2024 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.

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

No costs.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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To

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Kanyakumari District at Nagercoil.
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