



W.P.(MD).No.17030 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17030 of 2021

R.Sampath Kumar

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal
Secretary of School Education,
Fort St.George, Secretariate,
Chennai-600 009.

2.The Commissioner of School Education,
DPI, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Office of CEO,
Campus at Government Higher
Secondary School,
Tenkasi 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 respondents to consider the petitioner's representation forwarded through the 3rd respondent dated 24.09.2020 along with annexures for the grant of Selection Grade on



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completion of 10 years of continuous service from 08.09.2010 to 08.09.2020 and grant all other consequential benefits.

For Petitioner : Mr.M.S.Suresh Kumar

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation forwarded through the 3rd respondent dated 24.09.2020 along with annexures for the grant of Selection Grade on completion of 10 years of continuous service from 08.09.2010 to 08.09.2020 and grant all other consequential benefits.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as PG Assistant (Chemistry) on 26.09.1988 at Government Higher Secondary School, Poovaimanagar, Pudukkottai District and further promoted as Head Master of Government Higher Secondary School, Manalmelkudi, Pudukkottai District on 08.09.2010. He was transferred and was



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posted as District Education Officer at Srivilliputur, Virudhunagar District on 30.08.2018 and on 31.10.2020, he voluntarily retired from service. He made a representation dated 24.09.2020 to the 3rd respondent for grant of selection grade on completion 10 years of continuous service, that is on 18.09.2020. Since the same was not considered, the present writ petition came to be filed.

3. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

4. 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 24.09.2020 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. No costs.

12.04.2024

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

To

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L.VICTORIA GOWRI, J.

Sml

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