



W.P.(MD)No.16396 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.16396 of 2024

R.Anbazhagan

... Petitioner

vs.

1.The Joint Director of School Education (Secondary)

O/o.Joint Director of School Education,  
DPI Campus, Chennai - 06.

2.The Chief Educational Officer,  
O/o. Chief Educational Officer,  
Theni District.

3.The District Educational Officer,  
O/o. District Educational Officer,  
Theni District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to treat the period of leave and period of suspension of the petitioner from 12.04.2023 to 17.12.2023 as duty and permit the petitioner to draw arrears of pay and allowance after adjusting the amount of subsistence allowance already paid to him for the delayed payment based on his representation dated 01.04.2024 within a stipulated time.



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For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.T.Amjadkhan  
Government Advocate

### **ORDER**

The petitioner herein, who is working as a Secondary Grade Teacher in Muthaiah High School, Allinagaram, Theni District, had given a representation dated 01.04.2024 to the third respondent through his School to treat his period of leave and period of suspension from 12.04.2023 to 17.12.2023 as duty and permit him to draw arrears of pay and allowance after adjusting the amount of subsistence allowance already paid to him for the delayed payment. Since the said representation was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this nature is made to a Government 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 pending indefinitely. 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



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petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the third respondent is required to be given with a direction to consider the representation of the petitioner within a specified time frame.

3. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 01.04.2024 on its own merits and pass appropriate orders in accordance with law, within a period of three 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 third respondent to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of. No costs.

22.07.2024

NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order  
*mbi*



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R.N.MANJULA, J.

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