



W.P.(MD)No.18412 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.18412 of 2024

P.Immanuel

... Petitioner

Vs.

1.The Director for Welfare of the
Differently Abled,
Directorate of Welfare of the
Differently Abled,
Lady Wellington College Campus,
Kamarajar Salai, Chennai-5.

2.The District Differently Abled Welfare Officer,
O/o.the District Differently Abled Welfare Officer,
Virudhunagar District.

3.The Bishop-Chairman,
CSI Diocese of Madurai Ramanad,
Madurai.

4.The Correspondent,
CSI School for the Intellectually Disabled,
Satchiyapuram, Sivakasi,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 and 4 to revoke the suspension of the petitioner by considering the representation sent by the petitioner dated 02.02.2024 in the light of the Section 22 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 within the time period stipulated by this Court.



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W.P.(MD)No.18412 of 2024



For Petitioner : Mr.T.Aswin Raja Simman
For R1 & R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the first and second respondents.

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

3.The petitioner is a Secondary Grade Teacher in the fourth respondent School. A charge memo came to be issued on the basis of the criminal case registered against the petitioner and issued with the punishment of suspension from service. Seeking to revoke the said suspension, the petitioner made a representation dated 02.02.2024. Since the same was not considered so far, the petitioner has filed this writ petition.

4.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 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



W.P.(MD)No.18412 of 2024

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

5.In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 02.02.2024 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.

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

No costs.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.18412 of 2021

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W.P.(MD)No.18412 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.18412 of 2024

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