



W.P.(MD)No.16098 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16098 of 2025

R.Selva Sumathi

: Petitioner

Vs.

1. The Joint Director of School,
Education (Higher Secondary),
College Road,
Chennai - 600 006.

2. Sivakumar.M,
Chief Educational Officer,
Tirunelveli District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to consider and pass orders on the petitioners representation dated 29.05.2025 seeking to change the second respondent herein as Enquiry Officer and to appoint some other impartial enquiry officer and for appointment of an Advocate or defence assistant to defend petitioner in the enquiry proceedings.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.M.Siddharthan

Additional Government Pleader for R1



W.P.(MD)No.16098 of 2025

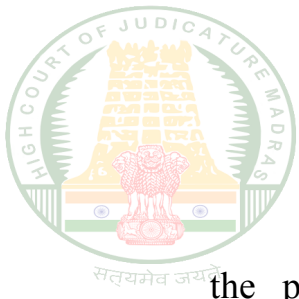
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ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 29.05.2025, seeking to change the second respondent as Enquiry Officer and to appoint some other impartial enquiry officer and for appointment of an Advocate or defence assistant to defend petitioner in the enquiry proceedings.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that he has been serving as a Post Graduate Teacher (Tamil) at the Government Higher Secondary School, Chenbagaramanputhooor. Following the registration of two FIRs against him, the first respondent issued a charge memo. The petitioner's grievance is that the second respondent, who was appointed as the Enquiry Officer, neither furnished the relevant documents nor permitted the petitioner to engage an Advocate to defend her case. In this regard,



W.P.(MD)No.16098 of 2025

WEB COPY

the petitioner submitted a representation dated 29.05.2025 to the respondents, requesting that the necessary documents be provided and that she shall be permitted to appoint an Advocate to represent her in the enquiry proceedings. As no action has been taken on the said representation, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

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 him 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



W.P.(MD)No.16098 of 2025

WEB COPY

6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 29.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

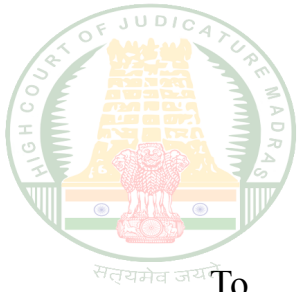
7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.06.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.16098 of 2025

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W.P.(MD)No.16098 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD) No.16098 of 2025

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