



W.P.(MD)No.17257 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

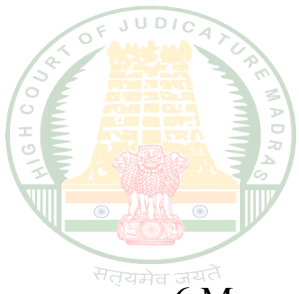
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K.Rajasekar

... Petitioner

-VS-

- 1.The Principal Secretary,
Department of School Education,
Secretariat, Chennai - 09.
- 2.The Director,
Directorate of School Education,
Chennai - 06.
- 3.The Joint Director,
Directorate of School Education (Secondary),
Chennai - 06.
- 4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Virudhunagar District.
- 5.The District Educational Officer (Secondary),
O/o.The District Educational Officer, Sivakasi,
Virudhunagar District.



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6. Meenakshiyapuram Nadar Uravinmurai,
Perunthalaivar Kamarajar Higher Secondary School Committee,
Represented through its Secretary,
Meenakshipuram,
Rajapalayam Taluk, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to transfer the petitioner from the sixth respondent school to any other Government or Government aided school along with the Post as Permanent Junior Assistant in the light of the proceedings of the second respondent in R.Dis.No.433823/G3/84 dated 22.11.1984, by considering the petitioner's representation dated 09.04.2025, within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R1 to R5 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to transfer the petitioner from the sixth respondent school to any other Government or Government-aided school along with the post of 'Permanent Junior Assistant', in accordance with the proceedings of the second respondent in R.Dis.No.433823/G3/84 dated 22.11.1984, by considering the petitioner's representation dated 09.04.2025, within a time frame to be stipulated by this Court.



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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the sixth respondent, notice to the sixth respondent is hereby dispensed with.

4. According to the petitioner, he hails from a downtrodden rural background and despite severe financial hardship, successfully completed his graduation in Tamil Literature and obtained First Class in Tamil Pandit Training in February 2021. The petitioner was appointed as a 'Permanent Junior Assistant' and joined duty at the sixth respondent school on 04.07.2017. He has been discharging his duties sincerely and without blemish. However, the sixth respondent school management, without issuing any prior notice, conducting an enquiry or seeking any explanation, arbitrarily declared the Tamil Pandit post vacant from 30.04.2019. Further, they started marking the petitioner as absent in the non-teaching staff attendance register from 02.05.2024 to 29.05.2024, despite the petitioner being willing to work.



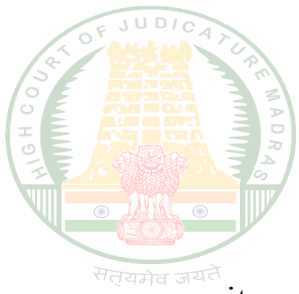
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5. Further, the school management has intentionally prevented the petitioner from attending duty or signing the attendance register, for reasons only known to them and apparently for unlawful personal gain. Aggrieved by this treatment, the petitioner submitted a representation on 01.06.2024 to the respondents 4 and 5, seeking permission to attend duty and to initiate appropriate action against the sixth respondent school. However, no action was taken. Due to the hostile work environment, continued harassment and life threat faced by the petitioner at the sixth respondent school, he submitted another detailed representation dated 09.04.2025 to the respondents 1 to 5, requesting to transfer him to any other Government or Government-aided school along with the post of Permanent Junior Assistant, as per the proceedings in R.Dis.No.433823/G3/84 dated 22.11.1984. As no action has been taken on the said representation, the petitioner is constrained to approach this Court, by way of the present writ petition seeking appropriate relief.

6. Heard the learned counsel appearing for the parties.

7. 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



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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.

8. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 09.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the sixth respondent, 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 third respondent to consider the same on its own merits.

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

NCC : Yes / No
Index : Yes / No
smn2

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VIVEK KUMAR SINGH, J.

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