



W.P.(MD).No.17786 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17786 of 2025

P.Selvi

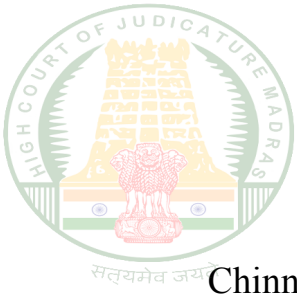
... Petitioner

-VS-

1. The Director of School Education,
Dpi Campus, Chennai.
2. The Commissioner / Director,
Most Backward and Denotified Communities,
Welfare Department,
Chennai.
3. The Joint Director,
Kallar Reclamation,
Madurai.
4. The Headmaster,
Government Kallar High School,
Pullakkapatti,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to issue relieving order in the light of No Objection Certificate (NOC) in Se.Mu.No. B2/749/2023-2 dated 13.07.2023 issued by 2nd respondent, so as to enable the petitioner to join in the Government Girls Higher Secondary School,



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Chinnasalem by the proceedings of the 1st respondent in 21243/C3/S1/2023 dated 17.08.2023 by considering the petitioner's representation dated 27.02.2024, 12.06.2024, 24.01.2025 and 30.04.2025 within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.M.Siddarthan

Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to issue relieving order, in the light of 'No Objection Certificate' (NOC) in Se.Mu.No. B2/749/2023-2 dated 13.07.2023 issued by 2nd respondent, so as to enable the petitioner to join the Government Girls Higher Secondary School, Chinnasalem by the proceedings of the 1st respondent in 21243/C3/S1/2023 dated 17.08.2023, by considering the petitioner's representations dated 27.02.2024, 12.06.2024, 24.01.2025 and 30.04.2025 within a time stipulated by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.



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3. The petitioner was appointed in the post of 'BT Assistant' in the fourth respondent school and she has completed her probation on 30.11.2016. Since her husband was affected with some medical disorders, she applied for 'no objection certificate' by mutual transfer with one Prema, who is working in the Government Higher Secondary School, Vadugapatti, Tirupur District and obtained 'no objection certificate' on 13.07.2023. Subsequently, the first respondent issued proceedings with regard to mutual transfer. However, till date, she has not received the relieving order. Hence, the petitioner made representations to the respondents dated 27.02.2024, 12.06.2024, 24.01.2025 and 30.04.2025. Since the said representations were not considered, the petitioner has filed the present Writ Petition.

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 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.



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5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 30.04.2025, on its own merits and pass appropriate orders in accordance with law, within a period of one month 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 respondents to consider the same on its own merits.

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

02.07.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
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