



W.P.(MD)No.17607 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17607 of 2025

S.Gopalakrishnan

... Petitioner

-VS-

1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tenkasi District.

2.The District Educational Officer (Secondary Education),
O/o. the District Educational Officer,
Tenkasi District.

3.The Secretary,
The Nadar Hindu High School,
Keezhapavur, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to relieve the petitioner from service based on the petitioner's proposal for voluntary retirement dated 31.05.2022 and to disburse the petitioner's pensionary and other terminal benefits, considering the petitioner's representation dated 24.02.2025, within the time limit stipulated by this Court.

For Petitioner

: Mr.G.Karthik
for M/s.Roy and Roy Associates



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For R1 and R2 : Mr.M.Siddharthan
Additional Government Pleader

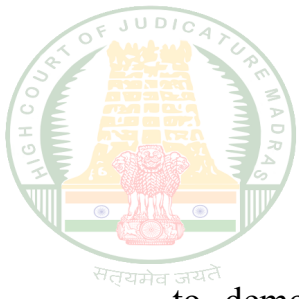
For R3 : Mr.K.Ragatheesh Kumar

ORDER

This Writ Petition has been filed seeking a direction to the respondents to relieve the petitioner from service pursuant to his voluntary retirement proposal dated 31.05.2022 and to disburse his pensionary and other terminal benefits, by considering his representation dated 24.02.2025, within the time frame stipulated by this Court.

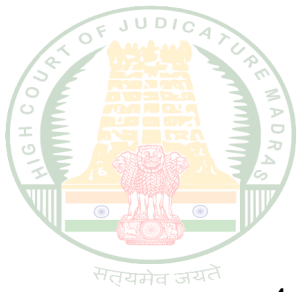
2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was initially appointed as Junior Assistant in the third respondent School on 01.06.1995 and rendered unblemished service until his promotion as B.T. Assistant (Social Science) on 23.07.2018, with due approval from the first respondent. The third respondent institution, a non-minority, government-aided school, is governed by the Tamil Nadu Private Schools (Regulation) Act and Rules. On 22.06.2020, the third respondent sought



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to demote the petitioner citing non-compliance with G.O.Ms.No.181, dated 15.11.2011. However, the first respondent rejected the proposal on 14.08.2021, and the appeal against it was also dismissed on 13.10.2021. Subsequently, due to personal and family circumstances, the petitioner submitted a voluntary retirement application on 31.05.2022, with all requisite documents. He also sent a supplementary proposal on 29.07.2022, including a police verification report and requested disbursal of pending annual increments for the years 2020 to 2022 along with terminal benefits. Despite clear directions issued by the first respondent on 11.03.2025 to the third respondent to process and forward the retirement proposal with necessary endorsements, the same has not been acted upon and further representations dated 24.02.2025 and 05.05.2025 to the respondents have also gone unanswered. The petitioner has not been relieved from service and his request for voluntary retirement and terminal benefits has remained pending for over two years without justification, causing undue hardship. Hence, the present Writ Petition is filed seeking a direction to the respondents to relieve the petitioner from service and disburse his pensionary and terminal benefits without further delay.



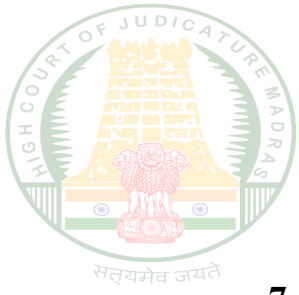
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4. Heard the learned counsel appearing for the parties.

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.

6. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 05.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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.



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

NCC : Yes / No

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Index : Yes / No

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To:-

- 1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tenkasi District.
- 2.The District Educational Officer (Secondary Education),
O/o. the District Educational Officer,
Tenkasi District.



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VIVEK KUMAR SINGH, J.

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