



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.25869 of 2019

and

W.M.P. (MD) Nos.22382 and 22383 of 2019

WEB COPY

L.Priyadharshini

... Petitioner

/vs./

1.The District Educational Officer,
O/o. District Educational Office,
Sivagangai Poonga Complex, Thanjavur.

2.The Block Development Officer,
O/o. The Block Educational Office,
Thiruvaiyaru, Thanjavur District - 613 204.

3.Mahaganapathy Government Aided Elementary School,
Represented by its Secretary,
Nadukkaveri Post, Thiruvayaru Taluk,
Thanjavur District - 613 2014. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the 1st respondent to approve the appointment of the petitioner as Secondary Teacher in the third respondent School with effect from 02.08.2017 in conformity with the order of the 1st respondent proceedings vide O.M.No.00821/A4/2017 dated 24.04.2017 and consequently to pay all other consequential monetary benefits.

For Petitioner

: Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For R-1 & R-2

: Mr.A.Thiyagarajan
Government Advocate

ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus to the respondents to consider the petitioner for approval of appointment as Secondary Teacher in the third respondent School with effect from 02.08.2017, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.



3. The petitioner would submit that she has already made representation on 26.09.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 26.09.2019, in the light of the 1st respondent proceedings dated 24.04.2017 in O.Mu.No.00821/A4/2017, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in her representation. It is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The District Educational Officer,
O/o. District Educational Office,
Sivagangai Poonga Complex, Thanjavur.

2.The Block Development Officer,
O/o. The Block Educational Office,
Thiruvaiyaru, Thanjavur District - 613 204.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-103690[F] dated 05/12/2019)

+1 CC to SPL GP (SR-103836[F] dated 06/12/2019)

Order made in
W.P.(MD)No.25869 of 2019
04.12.2019

VB(18.12.2019) 2P 5C

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