



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

CORAM:

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

W.P. (MD) No.450 of 2020

and

W.M.P. (MD) No.343 of 2020

WEB COPY

Correspondent,
Amali Girls Higher Secondary School,
Irudayakulam,
Vickramasingapuram,
Tirunelveli District.

... Petitioner

/vs./

1.The State of Tamilnadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.

2.The Joint Director of School Education,
(Secondary Education),
College Road,
Chennai - 600 009.

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

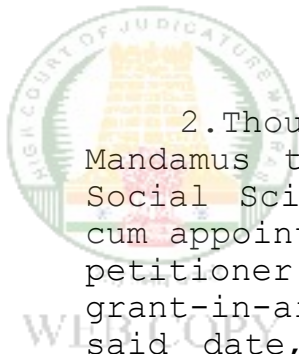
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to convert one post of BT Assistant Social Science into BT Assistant English and further to approve forthwith the transfer cum appointment of Sr.K.Reeta Pushpam as BT Assistant English in the petitioner's school w.e.f. 13.06.2018 and disburse the grant-in-aid towards her salary and allowance w.e.f the said date.

For Petitioner	: M/s.A.Amala
For Respondents	: Mr.A.Thiagarajan 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 convert one post of BT Assistant Social Science into BT Assistant English, to approve the transfer cum appointment of Sr.K.Reeta Pushpam as BT Assistant English in the petitioner's school with effect from 13.06.2018 and to disburse the grant-in-aid towards her salary and allowance with effect from the said date, 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 he has already made representation on 17.07.2019 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 second respondent herein to consider the petitioner's representation, dated 17.07.2019, on its own merits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the second respondent to consider it in accordance with law.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Secretary,
Government of Tamilnadu,
Department of School Education,
Fort St.George,
Chennai 600 009.
- 2.The Joint Director of School Education,
(Secondary Education),
College Road,
Chennai - 600 009.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

+1 CC to SPL.GP (SR-1358[F] dated 10/01/2020)

+1 CC to M/s.A.AMALA, Advocate (SR-1299[F] dated 10/01/2020)

W.P. (MD) No.450 of 2020
09.01.2020

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