



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2020**

CORAM:

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

W.P. (MD) No.1360 of 2020

and

W.M.P. (MD) No.1104 of 2020

WEB COPY

The Correspondent,
St.Ignatius Convent Higher Secondary School,
Palayamkottai - 627 002,
Tirunelveli District.

... Petitioner

/vs./

1.The Director of School Education,
College Road,
Chennai - 600 006.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to approve forthwith the appointment of A.Nancy as BT Assistant (Botany) with effect from the date of her appointment viz., 01.06.2018 in the petitioner school with salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/S.Isaac Chambers

For Respondents : 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 2 and 3 to approve the appointment of M/s.A.Nancy as BT Assistant (Botany) with effect from the date of her appointment in the petitioner school with salary and all other attendant benefits, 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 submitted a proposal on 08.03.2019 in this regard, which is said to be pending. If the said proposal 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 proposal, dated 08.03.2019, on its own merits and pass appropriate orders within a period of six 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 I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

MM

To

1.The Director of School Education,
College Road,
Chennai - 600 006.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-2839[F] dated
24/01/2020)

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24.01.2020

KM/(10.02.2020) 3P 5C