



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2437 of 2020

WEB COPY

Nadar High School,
represented by its Secretary,
A.Shanmugaraj,
Karisalkulam,
Vilathikulam Taluk,
Tuticorin District 628 907.

... Petitioner

/vs./

1.The Chief Educational Officer,
Tuticorin District,
Tuticorin.

2.The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti,
Tuticorin District.

... Respondents

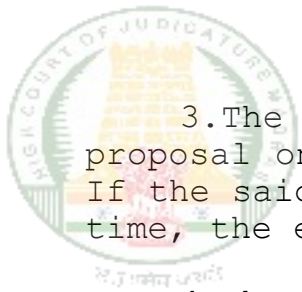
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pass orders for granting permission to fill up the post of Office Assistant in the petitioner school based on the proposal submitted by the petitioner school on 09.04.2019 without reference to G.O.Ms.No.238, School Education Department, dated 13.11.2018, within a time frame to be fixed by this Court.

For Petitioner	: Mr.P.Pethu Rajesh
For Respondents	: Mr.M.Karuppasamy 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 pass orders for granting permission to fill up the post of Office Assistant in the petitioner's school, 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 a proposal on 09.04.2019 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 first respondent herein to consider the petitioner's proposal, dated 09.04.2019, on its own merits and pass appropriate orders within a period of eight 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 proposal and it is for the first respondent to consider it in accordance with law. Though the petitioner herein has also sought for a direction to the respondents to permit him to fill up the post of Office Assistant without reference to G.O.Ms.No.238, School Education Department, dated 13.11.2018, in my view, such a consideration cannot be granted unless and until the said Government Order dated 13.11.2018 is vitiated. In the absence of the same, it is always open to the respondents to rely on the said Government Order, if the same is applicable to the case in hand at the time of consideration of the proposal.

6.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Chief Educational Officer,
Tuticorin District,

<https://hcservices.tn.courts.gov.in/hcservices/>



2.The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti,
Tuticorin District.

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+1 CC to Mr.P.PETHU RAJESH, Advocate (SR-5480[F] dated 10/02/2020)

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(2/2)

MK (20.02.2020) 3P 4C