



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

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

W.P. (MD) No.2680 of 2020

and

W.M.P (MD) No.2303 of 2020

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Kammavar Girls Higher Secondary School,
Ettiyapuram Road,
Kovilpatti,
Tuticorin District,
Rep by its Correspondent,
P.Kathirvel

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Secretariat, Chennai.

2.The Director of School Education (Higher Secondary),
O/o the Director of School Education,
D.P.I Complex,
Chennai.

3.The Chief Educational Officer,
O/o. the Chief Educational Office,
Tuticorin, Tuticorin District.

4.The District Educational Officer,
O/o.the District Educational Office,
Kovilpatti, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the third respondent to pass suitable orders on the proposal submitted by the petitioner on 05.12.2019 for the approval of the appointment of Mrs.A.Uma as P.G Assistant (History) w.e.f 04.07.2019 in the petitioner's school and pay arrears of salary with all consequential benefits arising thereon within the period that may be stipulated by this Court.



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

For Respondents : Mr.M.Karuppasamy
Government Advocate

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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 direct the third respondent to pass suitable orders on the proposal submitted by him on 05.12.2019 for approval of the appointment of Mrs.A.Uma as P.G Assistant (History) w.e.f 04.07.2019 in his school and pay arrears of salary with all consequential benefits arising thereon, 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 representation on 21.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 third respondent herein to consider the petitioner's representation, dated 21.01.2020, on its own merits and pass appropriate orders within a period of six (6) 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 third respondent to consider it in accordance with law.



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

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Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

- 1.The Secretary,
School Education Department,
Secretariat, Chennai.
 - 2.The Director of School Education (Higher Secondary),
O/o the Director of School Education,
D.P.I Complex, Chennai.
 - 3.The Chief Educational Officer,
O/o. the Chief Educational Office,
Tuticorin, Tuticorin District.
 - 4.The District Educational Officer,
O/o.the District Educational Office,
Kovilpatti, Tuticorin District.
- +1 CC to M/s.SPL.GP (SR-6120[F] dated 13/02/2020)
- +1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6211[F] dated 13/02/2020)

AL(CO)

TR(19.02.2020) 3P 7C

Order made in
W.P. (MD) No.2680 of 2020