



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

CORAM:

WEB COPY

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

W.P. (MD)No.3283 of 2020

St.Joseph's Higher Secondary School,
Represented by its Manager and Correspondent,
A.Sebastin

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai.

2.The Commissioner,
School Education Department,
DPI Campus, College Road,
Chennai-600 006.

3.The Director of School Education,
DPI Campus, College Road,
Chennai- 600 006.

4.The Chief Education Officer,
Trichy District,
Trichy.

5.The District Education Officer,
Manaparai Education District,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to consider the representations of the petitioner, dated 18.09.2019 and 04.12.2019 and consequently direct the respondents to sanction three non-teaching posts, namely, one Junior Assistant, one Office Assistant and one Security to the Petitioner's School on the basis of the strength of the Petitioner's middle school in terms of the guidelines mandated in G.O.Ms.No.238 dated 13.11.2008 of the 1st Respondent, within a time frame that may be stipulated by this Court.



For Petitioner : Mr.L.Victoria Gowri
For Respondents : Mr.A.Thiyagarajan
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. The limited prayer sought for by the petitioner is that to consider the representation dated 18.09.2019 seeking to direct the third respondent to sanction three non-teaching posts, namely, one Junior Assistant, one Office Assistant and one Security to the Petitioner's School on the basis of the strength of the middle school in terms of the guidelines mandated in G.O.Ms.No.238 dated 13.11.2008 of the 1st Respondent, within a time frame

3. 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 merit 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.

4. In view of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 18.09.2019 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 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.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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



To

1.The Principal Secretary to Government,
State of Tamil Nadu, School Education Department,
Secretariat, Chennai.

2.The Commissioner,
School Education Department,
DPI Campus, College Road, Chennai-600 006.

3.The Director of School Education,
DPI Campus, College Road, Chennai- 600 006.

4.The Chief Education Officer,
Trichy District, Trichy.

5.The District Education Officer,
Manaparai Education District, Trichy.

+1 CC to M/s.SPL.GP (SR-7283[F] dated 20/02/2020)

+1 CC to M/s.L.VICTORIA GOWRI, Advocate (SR-7096[F] dated
19/02/2020)

W.P. (MD)No.3283 of 2020
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JMN(02.03.2020) 3P : 8C