



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2020**

CORAM:

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

WEB COPY

W.P. (MD) No.3550 of 2020

S.Grace Suganthi

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Rep., by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai-600 006.

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

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

5.The Block Educational Officer,
Manur @ Rastha, Tirunelveli.

6.The Manager,
Moorthi Primary School,
Kandiaperi,
Thatchanallur Post, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 to 5 to consider the proposal for approving the petitioner's appointment as the Headmistress of the sixth respondent school and to provide all other service and monetary benefits on the basis of the petitioner's representation dated 07.05.2019.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.A.Thiyagarajan
Government Advocate (For R1 to R5)



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the sixth respondent, notice to him is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents 3 to 5 to consider the proposal for approving the petitioner's appointment as the Headmistress of the sixth respondent school and to provide all other service and monetary benefits, in my view, such a decision is to be taken by the third respondent 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 she has already made representation on 07.05.2019 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 third respondent herein to consider the petitioner's representation, dated 07.05.2019, 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 her 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.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

- 1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
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Nungambakkam,
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- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 5.The Block Educational Officer,
Manur @ Rastha,
Tirunelveli.

+1 CC to M/s.V.BALAJI, Advocate (SR-7594[F] dated 21/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-7802[F] dated 24/02/2020)

Order made in
W.P. (MD) No.3550 of 2020
21.02.2020

rmk

SDS (05.03.2020) 3P-8C