



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.02.2020
CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4035 of 2020

Niloufer Merline Harriot ... Petitioner
/vs./

- 1.The Chief Educational Officer,
Tirunelveli 627 006.
- 2.The District Educational Officer,
Tirunelveli 627 001.
- 3.The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli 627 001. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to approve the appointment of the petitioner as B.T.Assistant (Maths) from 24.06.2014 and pay salary to the petitioner up to 20.11.2014 and confer all the consequential monitory benefits.

For Petitioner : Mr.P.Santhoshkumar
For Respondents : Mr.A.Thiyagarajan
Government Advocate (for R1 & R2)

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 third respondent, notice to the third respondent is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to approve the appointment of the petitioner as B.T.Assistant (Maths) from 24.06.2014 and pay salary to the petitioner up to 20.11.2014 and confer all the consequential monitory benefits, in my view, such a decision is to be taken by the first 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 03.10.2019 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 first respondent herein to consider the petitioner's representation, dated 03.10.2019, on its own merits and pass appropriate orders within a period of twelve (12) 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 first 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-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Chief Educational Officer,
Tirunelveli 627 006.

2.The District Educational Officer,
Tirunelveli 627 001.

+1 CC to M/s.P.SANTHOSHKUMAR, Advocate (SR-9061[F] dated 28/02/2020)

Order made in
W.P. (MD) No.4035 of 2020

Dated:
27.02.2020

RMK

TK/SAR./16.03.2020/2P/4C