



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2020**

CORAM:

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

W.P. (MD)No.26412 of 2019

and

W.M.P (MD) No.22821 of 2019

WEB COPY

The Correspondent
St.Joseph's Girls Higher Secondary School,
Madurai-625 009,
Madurai District.

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Madurai, Madurai District.
- 4.The District Educational Officer,
Madurai, Madurai District.

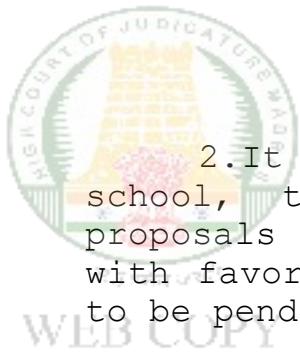
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to approve forthwith the promotion of S.Senthil Murugan as Lab-Assistant and the appointment of A.Antony Richard as Office Assistant w.e.f., 02.01.2018 in the petitioner's school with all attendant benefits including the arrears of salary and allowance.

For Petitioner	: Mr.A.Amala
For Respondents	: Mr.A.Thiyagarajan Government Advocate

ORDER

The petitioner herein had sought for approval of the promotion of S.Senthil Murugan as Lab Assistant and the appointment of A.Antony Richard as Office Assistant w.e.f 02.01.2018, for which purpose proposals have been sent by the petitioner on 19.01.2018 / 07.02.2018. Since the proposals were not considered efficaciously, the present writ petition has been



2.It is seen that pursuant to the proposals submitted by the school, the District Educational Officer had forwarded the proposals to the Chief Educational Officer on 10.05.2019 along with favorable and positive remarks. The proposals are now said to be pending before the Chief Educational Officer.

3.Whenever a proposal of this nature 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 the such authority to consider the proposals within the stipulated time.

4.In the light of the observations made, there shall be a direction to the third respondent herein to consider the proposals forwarded by the second respondent on 10.05.2019 on its own merits and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in their proposals. 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp
To:

1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.

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



2.The Director of School Education,
College Road, Chennai-600 009.

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

4.The District Educational Officer,
Madurai, Madurai District.

+1 CC to SPL.GP (SR-103[F] dated 03/01/2020)

+1 CC to MR.A.AMALA, Advocate (SR-5592[F] dated 11/02/2020)

Order made in
W.P. (MD)No.26412 of 2019
10.02.2020

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