



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.264 of 2021

M.N.Abdur Rahman Hr. Sec. School,
Rep. by the Correspondent,
M.K.M.Mohamed Nazar,
Khadir Nagar,
Highground,
Tirunelveli District - 627 011.

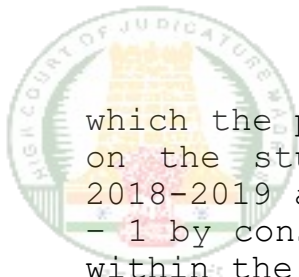
...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
School Education Department,
DPI Campus,
College Road,
Chennai - 06.
- 3.The Chief Educational Officer,
O/o. The Chief Educational Office,
Tirunelveli District - 09.
- 4.The District Educational Officer,
O/o. The District Educational Office,
Tirunelveli - 09.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allot Teaching Staff Fixation for English Medium Section parallel to Tamil Medium in light of the permission granted by the Director of School Education in Moo.Mu.No.0082898/G1/E2/2019, dated 27.05.2018 based on the G.O.Ms.No.148 (School Education Department), dated 20.07.2018 and consequently direction directing the respondents to sanction the posts of 3 BT Assistants to the petitioner's school namely M.N.Abdur Rahman Higher Secondary School, Khadir Nagar, Highground, Maharaja Nagar Post, Tirunelveli District - 627 011 based on the students strength in the academic year 2020-2021 in



which the posts already surrendered before the respondent No.3 based on the students strength by the petitioner in the academic year 2018-2019 and to remove the word of Surplus Teacher in B.T.Assistant - 1 by considering the Petitioner's representation dated 14.12.2020, within the time stipulated by this Court.

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For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.N.Shanmuga Selvan
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to allot Teaching Staff Fixation for English Medium Section parallel to the Tamil Medium, to Sanction the post of 3 B.T. Assistants to the petitioner's School on the basis of the student's strength for the academic year 2020-2021 including the posts already surrendered before the third respondent in the academic year 2018-2019 and to remove the word of Surplus Teacher in B.T. Assistant - 1, are not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 14.12.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 14.12.2020, within a stipulated time and thereby the ends of justice could be secured.

5.Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 14.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2.The Director of School Education,
School Education Department,
DPI Campus,
College Road,
Chennai - 06.

3.The Chief Educational Officer,
O/o. The Chief Educational Office,
Tirunelveli District - 09.

4.The District Educational Officer,
O/o. The District Educational Office,
Tirunelveli - 09.

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