



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1110 of 2021

K.G.Kothainayagi

...Petitioner

Vs.

1.The Director of Elementary Education,
Department of School Education, Chennai.

2.The Chief Educational Officer,
Department of School Education,
Chennai.

3.The District Educational Officer,
Opp. To Rathna Theatre,
Tirunelveli - 627 002.

4.The Assistant Elementary
Educational Officer,
Office at Perumal Sannathi Street,
Palayamkottai,
Tirunelveli District.

5.The Ganesamoorthy Middle School,
representing through its
Special Officer/District Educational Officer,
Kurichi, Palayamkottai,
Tirunelveli.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd and 4th respondents herein to consider the petitioner's representation dated 29.11.2020 and 18.12.2020 and pass appropriate orders to enter her B.Lit. Degree in her service register and promote her to the post of Headmistress of Ganesamoorthy Middle School at Kurichi, Palayamkottai, Tirunelveli District, as per Rule 15(4) of Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, within a time stipulate by this Court.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

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 enter her B.Lit. Degree in her service register and promote her to the post of Headmistress of Ganesamoorthy Middle School at Kurichi, Palayamkottai, Tirunelveli District, as per Rule 15(4) of Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 29.11.2020, 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 fifth respondent herein to consider the petitioner's representation dated 29.11.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 29.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 ()

// True Copy //

/ /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.

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



To

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+1 CC to SPL GP (SR-2156[F] dated 27/01/2021)

W.P.(MD) No.1110 of 2021

22.01.2021

VB (10.02.2021) 3P 6C