



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.5989 of 2021

and

W.M.P(MD) No.4692 of 2021

WEB COPY

The Secretary,
Kayalpatanam-Arumuganeri Higher
Secondary School, Arumuganeri,
Thoothukudi District.-628 202.

...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,
Thoothukudi, Thoothukudi District.

4.The District Educational Officer,
Thiruchendur, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third and fourth respondents to give approval forthwith to the promotion cum appointment of Mr.C.Babusantharam to the post of BT Assistant (History) in the petitioner- school w.e.f. 15.06.2011, with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chamber

For Respondents : Mr.A.Thiyagarajan
Government Advocate

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 give approval forthwith to the promotion cum appointment of Mr.C.Babusantharam to the post of BT Assistant (History) in the petitioner- school w.e.f. 15.06.2011, with all attendant benefits including arrears of salary and allowances was not considered, the Writ Petition has been filed. According to the petitioner School,



the Secretary of the School has submitted a proposal in this regard on 18.02.2020, which is still pending.

3. It is needless to point out that whenever a representation/proposal 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/proposal 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 and fourth respondents herein to consider the proposal submitted by the Secretary of the School dated 18.02.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondents 3 and 4 to consider the proposal submitted by the Secretary of the School dated 18.02.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
- 4.The District Educational Officer,
Thiruchendur, Thoothukudi District.

+1 CC to M/s.SPL GP (SR-12177[F] dated 18/03/2021)

W.P. (MD) No.5989 of 2021
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ES (CO)
KB (07.04.2021) 3P 6C