



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6041 of 2021

WEB COPY

Hindu Higher Secondary School,
Rep. by its Secretary,
No.3/197-1, Main Road,
Mayamankurichi-627853,
Alangulam Taluk,
Tenkasi District.

...Petitioner

Vs.

1.The Chief Educational Officer,
Tenkasi.

2.The District Educational Officer,
Sankarankovil,
Tenkasi 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 grant prior permission to fill up the post of B.T.Assistant to the petitioner school as per Rule 15(4) of the Tamil Nadu Recognized Private School (Regulation) Rules 1974 by accepting the proposal dated 21.12.2020.

For Petitioner : Mr.V.Panneer Selvam

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 grant prior permission to fill up the post of B.T.Assistant to the petitioner's school as per Rule 15(4) of the Tamil Nadu Recognized Private School (Regulation) Rules 1974 was not considered, the Writ Petition has been filed. According to the petitioner, he has sent a proposal in this regard on 21.12.2020, 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 respondents to consider the petitioner's proposal dated 21.12.2020, 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 to consider the petitioner's proposal dated 21.12.2020, 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.

Sd/-

Assistant Registrar ()

// 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 Chief Educational Officer,
Tenkasi.

2.The District Educational Officer,
Sankarankovil,
Tenkasi District.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-12415[F] dated
19/03/2021)

+1 CC to M/s.SPL GP (SR-12486[F] dated 19/03/2021)

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(CO)

HB (24.04.2021) 3P 5C