



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5888 of 2021

K.Celin Rose Mary

...Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2.The District Educational Officer,
District Educational Office,
Sivakasi,
Virudhunagar District.

3.The Correspondent,
S.C.M.S. Girl's Higher Secondary School,
Satchiyapuram,
Sivakasi - 626 124.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, the nature of Writ of Mandamus directing the respondents 1 and 2 to consider the proposal submitted by the 3rd respondent relating to the approval of the appointment of the petitioner as B.T.Assistant (Social Science) in the 3rd respondent school with effect from date of her appointment i.e. from 01.08.2019 with all monetary and service benefits within a stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arulraj

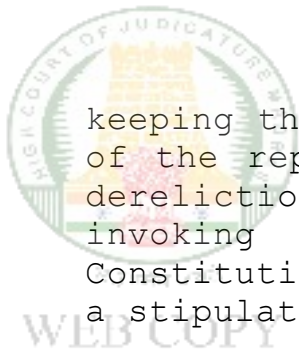
For Respondents : Mr.A.Thiyagarajan
Government Advocate

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.This writ petition has been filed by the petitioner to direct the respondents 1 and 2 to consider the proposal submitted by the 3rd respondent relating to the approval of the appointment of the petitioner as B.T.Assistant (Social Science) in the 3rd respondent school with effect from date of her appointment i.e. from 01.08.2019 with all monetary and service benefits.

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 respondents 1 and 2 herein to consider the proposal sent by the third respondent dated 04.02.2021, 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 proposal sent by the third respondent on 04.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (CS-III)

// 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.*



To

- 1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 2.The District Educational Officer,
District Educational Office,
Sivakasi,
Virudhunagar District.
- 3.The Correspondent,
S.C.M.S. Girl's Higher Secondary School,
Satchiyapuram,
Sivakasi - 626 124.

+1 CC to M/s.SPL GP (SR-11981[F] dated 17/03/2021)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-12117[F] dated
18/03/2021)

W.P. (MD) No.5888 of 2021

16.03.2021

CG (27.04.2021) 3P 6C