



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.6553 of 2021

and

W.M.P. (MD) No.5096 of 2021

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The Correspondent,
Aided Higher Secondary School,
Mottakkala,
Edaicode Post 629 152,
Kanyakumari District.

...Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to approve the appointment of one V.Divya as PG Assistant in Botany with effect from the date of her appointment that is on 06.06.2019 by considering the proposal resubmitted by the petitioner dated 28.12.2020 and to grant all service and monitory benefits within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.N.Shanmugaselvam
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 3rd respondent to approve the appointment of V.Divya as PG Assistant in Botany, was not considered, the writ petition has been filed. According to the petitioner, he has resubmitted a proposal in this regard on 28.12.2020, which is still pending.

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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 3rd respondent herein to consider the petitioner's proposal dated 28.12.2020, 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 3rd respondent to consider the petitioner's proposal dated 28.12.2020, 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. Consequently, connected miscellaneous petition is closed.

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 Secretary to Government,
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Chennai.

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Nagercoil.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-13473[F] dated 25/03/2021)

+1 CC to M/s.SPL GP (SR-13699[F] dated 25/03/2021)

W.P.(MD) No.6553 of 2021

24.03.2021

GS (21.04.2021) 3P 7C

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