



W.P.(MD).No.10902 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.10902 of 2022

G.Jesintha Malarmathi

... Petitioner

Vs.

1.The District Educational Officer,
O/o District Educational Officer,
Valliyoor,
Tirunelveli.

2.The Block Educational Officer,
O/o Block Educational Officer,
Nanguneri Taluk,
Tirunelveli District.

3.The Correspondent,
Hindu Elementary School,
Kadayankulam – Vijaya Achampadu – 627652,
Nanguneri Taluk,
Tirunelveli District.

4.D.Anthony Sumathi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to appoint the petitioner herein as the Headmistress of the Hindu Elementary School, Kadayankulam, Vijaya Achampadu, Tirunelveli District, 627652, with effect from 01.06.2015, with all attendant monetary and other benefits forthwith.



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For Petitioner : Mr.S.Kadarkarai
For R-1 and R-2 : Mr.S.Shaji Bino,
Special Government Pleader.

ORDER

The petitioner herein had given a representation to the Commissioner of School Education, Chennai on 28.09.2021, seeking for appointment to the post of Headmistress of the Hindu Elementary School, Kadayankulam, Vijaya Achampadu, Tirunelveli District and the same was forwarded to the respondents. Since the said representation was not considered, the present Writ Petition has been filed.

2. 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.



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3. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 28.09.2021, in the light of the recommendation of the second respondent dated 29.10.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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.

4. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

05.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

1.The District Educational Officer,
O/o District Educational Officer,
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2.The Block Educational Officer,
O/o Block Educational Officer,
Nanguneri Taluk,
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M.S.RAMESH, J.

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