



WP(MD)No.11338 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM:

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

W.P.(MD)No.11338 of 2021
and W.M.P.(MD)No.8863 of 2021

The Secretary,
NSK Ponniah Gounder Higher
Secondary School,
Gudalur,
Theni District.

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 006.

2.The Commissioner of School Education,
College Road, Chennai – 600 009.

3.The Chief Educational Officer,
Theni District, Theni.

4.The District Educational Officer,
Uthamapalayam, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Mandamus, directing the 3rd respondent Chief Educational



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Officer to approve forthwith to the appointment of Thiru P.Sarath Kumar as PG Assistant in English in the petitioner school w.e.f. 19.03.2020 with all attendant benefits including the arrears of salary and allowances.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader.

ORDER

The petitioner herein had submitted a proposal to the third respondent on 17.02.2021 seeking for approval of the appointment of Thiru P.Sarath Kumar as PG Assistant (English) in the petitioner school. Since the said proposal was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a 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 proposal by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under



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Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's proposal dated 17.02.2021 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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. Consequently, connected miscellaneous petition stands closed.

21.07.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

vsm

To

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Order made in
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