



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2022**

CORAM:

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

W.P. (MD)No.1362 of 2019

D.Antony Sumathi

... Petitioner

/vs./

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

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

3.The Correspondent,
Hindu Elementary School,
Kadayankulam - Vijaya Achmpadu - 627 652,
Nanguneri Taluk,
Tirunelveli District.

4.G.Jesintha Malarmathi
(4th respondent is impleaded vide Court order
dated 20.03.2019 in W.M.P. (MD)No.4258/2019) ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to consider and pass orders on the proposal made by the third respondent dated 04.12.2018 for granting approval of the petitioner's appointment in the post of Headmistress in the third respondent school with effect from 02.04.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader for R1 & R2

Mr.S.Kadarkarai for R4
No Appearance for R3.

ORDER

The third respondent herein, in which the petitioner is working, had given a proposal to the first respondent on 04.12.2018, seeking for granting approval of petitioner's appointment in the



post of Headmistress in the third respondent school with effect from 02.04.2018. 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 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 first respondent herein to consider the proposal of the third respondent dated 04.12.2018, on its own merits and pass appropriate orders in accordance with law, after giving opportunity to the petitioner, fourth respondent as well as the Management, within a period of three (3) months 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. No costs.

Sd/-

Assistant Registrar (AD II)

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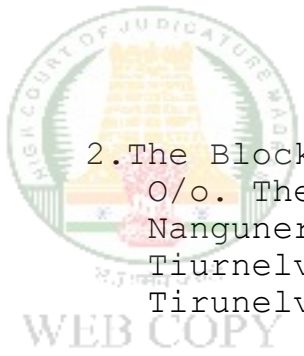
Sub Assistant Registrar(CS)

vsm

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.G. THALAIMUTHARASU, Advocate (SR-28786[F] dated 29/06/2022)

+1 CC to M/s.S. KADARKARAI, Advocate (SR-28644[F] dated 29/06/2022)

+1 CC to M/s.SPL.GP (SR-28731[F] dated 29/06/2022)

Order made in
W.P.(MD) No.1362 of 2019

Dated:
28.06.2022

= SS/06/07/2022/ 3P 6C