



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.06.2022
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) .No.13221 of 2021
and
W.M.P. (MD) .No.10214 of 2021

The Correspondent,
CMSES David Memorial Higher Secondary School,
Karisal Post,
Cheranmahadevi,
Tirunelveli District - 627 414.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

...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 CEO and fourth respondent DEO to approve forthwith the approval of Mr.B.Davidson Raja as PG Assistant (Botany) in the petitioner school w.e.f., 03.06.2019, with all attendant benefits including arrears of salary and allowances, without reference to the proceedings of the DEO in O.Mu.No.1810/A3/2020 dated 09.11.2020 insofar as the reasons at Serial No.5 is concerned.

For Petitioner	:	Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For Respondents	:	Mr.A.Kannan, Additional Government Pleader.



ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had submitted a proposal to the fourth respondent on 28.08.2020 seeking for approval of the appointment of B.Davidson Raja as PG Assistant (Botany) in the petitioner school . Since the said proposal was not considered, the present writ petition has been filed.

3. 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.

4. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's proposal dated 28.08.2020 together with the re-submitted proposal dated 12.07.2021 on its own merits and pass appropriate orders in accordance with law, 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.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)



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To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-25042[F] dated 10/06/2022)

+1 CC to M/s.SPL.GP (SR-25182[F] dated 10/06/2022)

**W.P. (MD) .No.13221 of 2021
09.06.2022**

SS(23/06/2022) 3P 7C