



W.P.(MD)No.13804 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.13804 of 2021

A.Aruldasan

... Petitioner

Vs.

1. The Chief Educational Officer,
Kanyakumari District.

2. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

3. St.Aloysius Higher Secondary School,
Represented by its Correspondent,
Marthandanthurai, Kollemcode Post,
Kanyakumari District - 629 160.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to approve forthwith the appointment of the petitioner as Post Graduate Assistant (Maths) in the third respondent School from 01.07.2018 onwards with salary and other attendant benefits.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.A.Kannan
Addl. Govt. Pleader for R1 & R2



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed as Post Graduate Assistant (maths) in the third respondent School from 01.07.2018. In this regard, the third respondent had earlier sent a proposal on 26.04.2019 and the same was returned. Therefore, the third respondent had resubmitted the proposal on 10.07.2021. 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



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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 second respondent herein to consider the third respondent's proposal dated 26.04.2019 which was resubmitted on 10.07.2021, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

30.06.2022

Index : Yes / No

Speaking Order : Yes / No

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To

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M.S.RAMESH, J.

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