



W.P.(MD).No.15371 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.15371 of 2019

A.Ambalavanan

... Petitioner

/Vs./

1.The Chief Educational Officer,
Kanyakumari District.

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

3.D.V.D.Higher Secondary & Training School,
Represented by its Secretary,
Kottar, Nagercoil,
Kanyakumari 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 2nd respondent herein to approve forthwith the appointment of petitioner as Junior Assistant in the 3rd respondent-school from 01.06.2017 onwards with salary and other attendant benefits.

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

For Respondents : Mr.V.Nirmal Kumar

Government Advocate (for R1 & R2)

No appearance (for R3)



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ORDER

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

2.The petitioner herein was appointed as Junior Assistant in the third respondent's School on 01.06.2017 in the sanctioned vacancy that arose due to retirement of one incumbent, namely, Alkondan and on the same day, the third respondent had sent a proposal to the second respondent seeking for approval of the petitioner with effect from 01.06.2017. 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.



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4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the proposal sent by the third respondent dated 01.06.2017, 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 petitioners 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.

18.08.2022

Index : Yes / No
Internet : Yes/ No
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To:

1. The Chief Educational Officer,
Kanyakumari District.
2. The District Educational Officer,
Nagercoil, Kanyakumari District.



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M.S.RAMESH, J.

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