



W.P.(MD).No.18910 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18910 of 2022

Sr.G.Kartheeswari

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tirunelveli 627 001.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Tirunelveli District 627 001.
- 5.The Correspondent,
St.Joseph's Girls Higher Secondary School,
Jawahar Nagar, Tirunelveli 627 007.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the fourth respondent



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to act upon the proposal for approval of the promotion of the petitioner, dated 10.11.2021 and to regularize the promotion of the petitioner, Sr.G.Kartheeswari working in St.Joseph's Girls Higher Secondary School, Jawahar Nagar, Tirunelveli 627 007, w.e.f. 04.08.2021 with all service monetary benefits.

For Petitioner : Mr.FR.S.Savarimuthu
For Respondents : Mr.S.Shaji Bino
Special Government Pleader.

ORDER

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

2.The petitioner herein was appointed as P.G.Assistant(English) in the fifth respondent's School on 04.08.2021 in the sanctioned vacancy that arose due to retirement of one incumbent, namely, A.Jaya Mariamma and on 10.11.2021, the fifth respondent had sent a proposal to the third respondent seeking for approval of the petitioner with effect from 04.08.2021. 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



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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 third respondent herein to consider the proposal sent by the fifth respondent dated 10.11.2021, 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 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.

22.08.2022

Index : Yes / No
Internet : Yes/ No
Rmk



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M.S.RAMESH, J.

Rmk

To

- 1.The its Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
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