



WP(MD)No.18806 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.08.2022**

CORAM:

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

W.P.(MD)No.18806 of 2022

Sr.J.Roselet Bai

... Petitioner

/vs./

- 1.The Government of Tamil Nadu,
Represented 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,
Tenkasi District.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Tenkasi District.
- 5.The Correspondent,
St.Michael's Girls Higher Secondary School,
Tenkasi-627 811.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to consider the proposal, dated 20.08.2019, approving the promotion of the petitioner, Sr.J.Roselet Bai, working as P.G.Assistant (Zoology) in St. Michael's Girls Higher Secondary School, Tenkasi-627 811, with effect from 02.07.2019, with all service monetary benefits, and pass such further or other orders as this Court

For Petitioner : Mr.FR.S.Savarimuthu

For R-1 to R-4 : 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 was promoted as P.G.Assistant (Zoology) in the fifth respondent school. The fifth respondent school had sent a proposal to the fourth respondent on 20.08.2019 seeking to approve the promotion of the petitioner, Sr.J.Roselet Bai, with effect from 02.07.2019, with all service and monetary benefits. Since the said proposal was not considered, the present Writ Petition has been filed.



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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 third respondent herein to consider the proposal of the fifth respondent, dated 20.08.2019, which was resubmitted on 23.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



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

18.08.2022

Index : Yes / No
Internet : Yes / No
btr/lm

To

- 1.The Secretary,
The Government of Tamil Nadu,
Department of School Education,
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- 2.The Director of School Education,
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College Road, Chennai-6.
- 3.The Chief Educational Officer,
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M.S.RAMESH, J.

btr/lm

Order made in
W.P.(MD)No.18806 of 2022

Dated:
18.08.2022