

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.19146 of 2022

D.Manonmani Victoria

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Pastorate Chairman & Correspondent,
TDTA Primary & STC Middle School,
Ambasamudram,
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 respondents 1 and 2 to approve the appointment of petitioner as Secondary Grade Assistant in the third respondent School and pay the salary and all service benefits within the time frame fixed by this Court.

For Petitioner : Mr.N.Vignesh

For R-1 and R-2 : 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 appointed as a Secondary Grade Assistant in the third respondent School on 15.09.2021. The third respondent had submitted a proposal to the first and second respondents on 22.04.2022 seeking for approval of the appointment of the petitioner as Secondary Grade Assistant in the third respondent 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 second respondent herein to consider the proposal of the third respondent, dated 22.04.2022, 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.

23.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/Rmk

To

- 1.The Chief Educational Officer,
Tirunelveli.
- 2.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

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M.S.RAMESH, J.

Lm/Rmk

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