



WP(MD)No.20743 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2022**

CORAM:

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

W.P.(MD)No.20743 of 2022

The Correspondent,  
Nirmala Girls Higher Secondary School,  
161, Kamarajar Salai,  
Madurai-625 009.

... Petitioner

/vs./

1.The Chief Educational Officer,  
The Office of the Chief Educational Officer,  
Madurai-625 002.

2.The District Educational Officer,  
The Office of the District Educational Officer,  
Madurai-625 002.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the proposal of the petitioner dated 26.11.2020 for approval of the appointment of Ms.X.Shiny and regularize the appointment of Ms.X.Shiny working as B.T.Assistant (English) in Nirmala Girls Higher Secondary School, 161, Kamarajar Salai, Madurai-625 009, w.e.f. 07.06.2019 with all service and monetary benefits.



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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 had given a proposal to the respondents on 26.11.2020 requesting to approve the appointment of Ms.X.Shiny and regularize her appointment as B.T.Assistant (English) in Nirmala Girls Higher Secondary School, 161, Kamarajar Salai, Madurai-625 009, w.e.f. 07.06.2019 with all service and monetary benefits. Since the said representation 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



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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 first respondent herein to consider the petitioner's proposal dated 26.11.2020 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.

5.With the above direction, the Writ Petition stands disposed of. No costs.

**02.09.2022**

Index : Yes / No  
Internet : Yes / No  
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**M.S.RAMESH, J.**

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To

- 1.The Chief Educational Officer,  
The Office of the Chief Educational Officer,  
Madurai-625 002.
- 2.The District Educational Officer,  
The Office of the District Educational Officer,  
Madurai-625 002.

Order made in  
W.P.(MD) No.20743 of 2022

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