



WEB COPY



W.P.No.6686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6686 of 2023

G.Viji Jasmine

...Petitioner

Vs

1.The Director of School Education,
D.P.I. Complex, College Road,
Nungambakkam, Chennai – 600 034.

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

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

4.The Correspondent,
Duthie Higher Secondary School for Girls,
Nagercoil – 629 001,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to approve my appointment as BT Assistant [English] in the 4th respondent School from 04.01.2022, the date of petitioner's appointment



W.P.No.6686 of 2023

with all monetary and attended service benefits including the arrears of salary with interest.

For Petitioner : Mr.N.Natrtamil

For R1 to R3 : M/s.M.Jayanthi
Additional Government Pleader

ORDER

Heard Mr.R.Natrtamil, learned counsel for the petitioner and Ms.M.Jayanthi, learned Additional Government Pleader for the respondents 1 to 3.

2. In view of the order to be passed in this Writ Petition directing the third respondent to consider the petitioner's representation, notice to the fourth respondent is hereby dispensed with.

3. The petitioner herein had given a representation to the respondents on 23.01.2023 seeking for approval of her appointment and payment of salary with arrears. Since the said representation was not considered, the present writ petition has been filed.



W.P.No.6686 of 2023

WEB COPY

4. It is needless to point out that whenever a representation 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 representation 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 23.01.2023, in the light of the proposal of the fourth respondent dated 18.04.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four 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.



WEB COPY



W.P.No.6686 of 2023

M.S.RAMESH,J.

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6.With the above direction, the Writ Petition stands ordered. No costs.

03.03.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Director of School Education,
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W.P.No.6686 of 2023