



WEB COPY



W.P.No.17338 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17338 of 2023

The Principal & Secretary,
St. Christopher's College of
Education, Vepery, Chennai-7.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-9.

2.The Director of Collegiate Education,
College Road, Chennai-6.

3.The Regional Joint Director of
Collegiate Education, Chennai
Region, Chennai-15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent Joint Director to approve forthwith the appointment of Miss.Latha Mariammal as Lab Assistant in the petitioner college with effect from the date of her appointment viz. 14.09.2020 and disburse the grant-in-aid towards her salary and allowances from the said date by considering the



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proposal dated 19.10.2020 and the reminder dated 23.10.2021.

For Petitioner : Ms.H.Mary Sowmi Rexi for
M/s.Isaac Chambers

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a proposal to the third respondent on 19.10.2020 seeking to approve the appointment of Miss.Latha Mariammal as Lab Assistant. The petitioner also sent a reminder dated 23.10.2021 to the third respondent. Since the said proposal has not yet been considered, the above 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 him to consider the same on its own merits and pass appropriate orders in one way or



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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 him 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 petitioner's proposal dated 19.10.2020 followed by the reminder dated 23.10.2021 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 third respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index:Yes/No



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Speaking order/Non-speaking order
Neutral Citation: Yes/No

To

- 1.The Secretary to Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai–9.
- 2.The Director of Collegiate Education,
College Road, Chennai-6.
- 3.The Regional Joint Director of
Collegiate Education, Chennai
Region, Chennai-15.

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M.S.RAMESH,J.

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