



W.P.No.18902 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18902 of 2023

M.Chandran

...Petitioner

Vs

- 1.The Secretary,
WTMM Higher Secondary School (Aided),
Wallajabad,
Kancheepuram District - 631 605.
- 2.The District Educational Officer,
Kancheepuram.
- 3.The Chief Educational Officer,
Kancheepuram.
- 4.The Joint Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.

5.G.S.Kesavan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Chief Educational Officer, Kancheepuram District, the 3rd respondent to pass appropriate



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orders on the Appeal Petition submitted by the petitioner dated 06.03.2023 and the reminder on 12.06.2023, within a reasonable time.

For Petitioner : Mr.T.Ranganathan

For R2 to R4 : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

Heard Mr.T.Ranganathan, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents 2 to 4.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the 1st and 5st respondents and hence, notice to the said respondents is hereby dispensed with.

3. The petitioner herein had submitted an appeal petition to the third respondent on 06.03.2023, seeking promotion to the post of Headmaster. In this regard, the petitioner had also sent a reminder on 12.06.2023. Since the same has not been considered, the present Writ Petition has been filed.



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4. It is needless to point out that whenever an appeal of this nature is made to an Appellate Authority, there is a duty cast upon him to consider the appeal 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 appeal by the Appellate Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the appeal within a stipulated time.

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's appeal petitions dated 06.06.2023 and 12.06.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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To

2.The District Educational Officer,
Kancheepuram.

3.The Chief Educational Officer,
Kancheepuram.

4.The Joint Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.

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