



W.P(MD)No.18619 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE L.VICTORIA GOWRI**

W.P(MD).No.18619 of 2023 and  
WMP(MD).No.15465 of 2023

The Correspondent,  
RC Higher Secondary School,  
Tiruchirappalli – 620 00,  
Tiruchirappalli District.

...Petitioner

**Vs.**

1.The State of Tamil Nadu  
rep. by its Secretary,  
Department of School Education,  
Fort. St. George, Chennai – 600 009.

2.The Director of School Education,  
College Road,  
Chennai – 600 006.

3.The Chief Educational officer,  
Trichy, Trichy District.

4.The District Educational Officer,  
Trichy, Trichy 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 4<sup>th</sup> respondent



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DEO to approve forthwith the appointment of E.Charles Raymond as physical Education Teacher in the petitioner school w.e.f. 01.06.2023 with salary and all other attendant benefits.

For Petitioner : Mr.K. Ragatheeshkumar

For Respondents : Mr. N. Ramesh Arumugam  
Government Advocate

### **ORDER**

This Writ Petition has been filed for issuing a direction to the 4<sup>th</sup> respondent DEO to approve forthwith the appointment of E.Charles Raymond as physical Education Teacher in the petitioner school w.e.f. 01.06.2023 with salary and all other attendant benefits.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's school is offering education from 6<sup>th</sup> to 12<sup>th</sup> Standard. One post of Physical Education Teacher fell vacant on 04.06.2019 due to the promotion of the then in-cumbent one R.Joh Savariraj. In the said vacancy, the peritoner's school appointed a fully



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qualified candidate viz., E. Charles Raymond as Physical Education Teacher with effect from 01.06.2023 and he joined the duty on the same day. After his appointment, the petitioner's school submitted necessary proposal on 06.06.2023 seeking approval of his appointment for the purpose of disbursement of grant-in-aid towards his salary and the same is pending. On enquiry, the District Education Officer, orally informed the said proposal would be considered only after the disposal of case pending before the Hon'ble Supreme Court in the surplus teachers issues, as against the order passed in W.A(MD).No.76 of 2019 etc., batch. In such circumstances, the petitioner has come forward with the present Writ Petition.

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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. It is made clear that without going into the merits of this case, the 4<sup>th</sup> respondent is directed to approve the appointment of E.Charles Raymond as physical Education Teacher in the petitioner's school w.e.f. 01.06.2023 by considering the representation of the petitioner's school, dated 06.06.2023, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

**02.08.2023**

Index : Yes / No  
Internet : Yes/ No  
trp



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To

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Department of School Education,  
Fort. St. George, Chennai – 600 009.

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**L.VICTORIA GOWRI, J.,**

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