



W.P.(MD).No.23842 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23842 of 2023

S.Vijayarani

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound,
College Road,
Chennai.

2.The Chief Educational Officer,
Madurai Road,
Palakarai,
Thiruchirapalli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the petitioner's appeal petition, dated 20.08.2022 more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventherarajan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

The present writ petition has been filed seeking direction to the first respondent herein to consider and pass orders on the petitioner's appeal petition, dated 20.08.2022.

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

3. The petitioner was recruited through Teachers Recruitment Board and was appointed as B.T. Assistant in the Union Middle School, Varanavasi, Ariyalur District on 14.09.2005. Presently, the petitioner is working in Sempattu Corporation High School at Thiruchirapalli. During her tenure in the said School, she was directed to hold the post of Headmistress 'Incharge' during 10.01.2011 to 13.08.2012. While so, she was placed under suspension by the second respondent vide order, dated 07.08.2019 and thereafter, she was visited with a charge memo, dated 29.05.2020. After due disciplinary proceeding, a punishment of stoppage of increment for one year with cumulative effect came to be passed on 21.01.2022. As against the same, the petitioner has preferred an



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appeal, dated 20.08.2022. However, the same is kept pending without consideration. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever an appeal 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 appeal 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 view of the limited scope of the relief sought for by the petitioner, this Court hereby direct the first respondent to consider the appeal petition made by the petitioner, dated 20.08.2022 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. This writ petition stands allowed, accordingly. There shall be no order as to costs.

29.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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Chennai.

2.The Chief Educational Officer,
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L.VICTORIA GOWRI, J.

BTR

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