



WEB COPY

W.P.(MD).No.730 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.730 of 2024

Hindu Nadar Uravinmurai Committee Higher Secondary School,
Through its Secretary/Correspondent,
T.Thangaraj,
T.N.Pudukudi, Puliyankudi,
Tenkasi District.

... Petitioner

Vs.

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

2.The Joint Director of School Education (Secondary),
DPI Campus,
College Road,
Chennai.

3.The Chief Educational Officer,
Chief Educational Office,
Tenkasi District.
Tenkasi.

4.The District Educational Officer,
District Educational Office,
Tenkasi,
Tenkasi 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 third respondent
herein to accord approval for appointment of the teacher Mrs.M.Maheswari as



P.G.Assistant (History) in the Hindu Nadar Uravinmurai Committee Higher Secondary School, T.N.Pudhukudi, Puliyanakudi, Tenkasi District from 15.12.2023 by considering the proposal dated 21.12.2023.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate(Civil)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the third respondent herein to accord approval for appointment of the teacher Mrs.M.Maheswari as P.G.Assistant (History) in the Hindu Nadar Uravinmurai Committee Higher Secondary School, T.N.Pudhukudi, Puliyanakudi, Tenkasi District from 15.12.2023 by considering the proposal dated 21.12.2023.

2.This petitioner is the Aided Higher Secondary School with 1800 students, 37 teaching staffs and 5 non teaching staffs working in sanctioned post, for which grant in aid is released by the Government from time to time. As per the proceedings dated 13.12.1985 of the first respondent, one P.G. Assistant (History) post was sanctioned wherein one R.Manikam was appointed. He was promoted as Headmaster on 03.08.2007. As the result of which, the sanctioned PG Assistant (History) post fell vacant. Vide the proceeding of the third respondent dated 10.03.2008, the petitioner School was



also accorded permission to fill up the said post. In the meanwhile, one A.Murugesan who worked as Secondary Grade Teacher proclaiming himself as eligible for promotion to the post of PG Assistant (History) filed a writ petition before this Court and the same was dismissed. Against which, he preferred a writ appeal in W.A.Nos.3958 and other batches of 2019, wherein an order was passed directing the said A.Murugesan to re-submit the proposal for appointment/promotion as a PG Assistant to the fourth respondent and the fourth respondent was further directed to take final decision after affording opportunity to the respective parties. As the result of which, the proceedings of the fourth respondent dated 07.11.2023 came to be passed rejecting the objections submitted by the said A.Murugesan. In the very same proceedings, the petitioner School was consequently directed to fill up the post of PG Assistant (History). In accordance with law and in terms of the said order, one M.Maheswari was appointed as PG Assistant vide the proceedings of School Secretary dated 15.12.2023 and she joined duty on 15.12.2023 itself and her appointment process, selection process and the proposal were forwarded to the third respondent through the fourth respondent on 21.12.2023 to accord approval for the post of PG Assistant (History) from 15.12.2023 and the same was not considered. Hence, the writ petition came to be filed.



3.Heard Mr.V.Meenakshi Sundaram, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents and perused the materials available on record.

4.The learned Government Advocate for the respondents Mr.N.Ramesh Arumugam submitted that the proposal has already been forwarded to the third respondent through the fourth respondent and the same is pending before the third respondent.

5.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.

6.In view of the same, without going into the merits, this Court hereby directs the third respondent to consider the proposal dated 21.12.2023, made by the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order.



7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn

To

1. The Director of School Education,
DPI Campus,
College Road,
Chennai.
2. The Joint Director of School Education (Secondary),
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3. The Chief Educational Officer,
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L.VICTORIA GOWRI, J.

Mrn

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