



W.P.(MD).No.1735 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1735 of 2024

P.Murugan

... Petitioner

Vs

1. The Director of School Education,
DPI Compound, College Road,
Chennai.
2. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
3. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.
4. The Correspondent,
Caldwell Centenary Memorial Higher Secondary School,
Idaiyangudi - 627 651,
Tirunelveli 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 respondents 1 to 3 to consider the petitioner's representation, dated 20.03.2020 in the light of the approval granted to similarly placed teachers appointed in the respective schools administered by the 4th respondent Management.



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For Petitioner : Mr. S. Chellapandian

For Respondents : Mr.M.Sarangan (R1-R3)
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 to 3 to consider the petitioner's representation, dated 20.03.2020 in the light of the approval granted to similarly placed teachers appointed in the respective schools administered by the 4th respondent Management.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited relief sought for by the petitioner, notice to the fourth respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3. Perused the materials on record.

4.On 05.02.2013, the petitioner was appointed as Physical Education Teacher at the 4th respondent School in the vacancy caused due to



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the resignation of one Gunaseelan on 22.11.2012 and he joined duty on the same day. He sent a proposal to the third respondent seeking for approval of his post and he was granted with approval for the said post vide proceedings, dated 05.08.2014. Though he was appointed on 05.02.2013, his appointment was approved only from 06.06.2014, for the reason that there was a surplus teacher in the other Schools managed by the 4th respondent. Several other teachers, who were appointed during the same period under the same Management were approved from the date of their appointment. Though he made several representations, last of which was made on 20.03.2020, the same were not considered. Hence, this petition.

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 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 representation 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.



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6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the respondents 1 to 3 to consider the representation of the petitioner, dated 20.03.2023 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.

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

30.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Director of School Education,
DPI Compound, College Road,
Chennai.
2. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
3. The District Educational Officer,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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