



W.P.(MD).No.2253 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2253 of 2024

S.Suresh Babu

... Petitioner

Vs.

1.The Director of School Education,
O/o the Director of School Education,
College Road, Chennai-6.

2.The Joint Director of School Educational
(Higher Secondary),
O/o the Joint Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Palani Road, Dindigul,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to consider the claim of the petitioner in pursuant to the proposal submitted by the 3rd respondent vide his proceedings in Na.Ka.No.9394/A4/2022, dated 17.11.2022.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates



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For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 2nd respondent to consider the claim of the petitioner in pursuant to the proposal submitted by the 3rd respondent vide his proceedings in Na.Ka.No. 9394/A4/2022, dated 17.11.2022.

2. The petitioner was appointed as P.G Assistant (English) at Government Higher Secondary School, Singipuram, Salem District on 20.02.1997. Thereafter, he was promoted as Headmaster and further promoted to Government Boys Higher Secondary School, Vendasur, Dindigul District. The petitioner was given seniority no.18 at the time of his appointment. Subsequently, no seniority list was published. Thereafter, he was given promotion as Headmaster of Higher Secondary School on the basis of his rotation number instead of rank number. While so, the 2nd respondent vide proceedings, dated 15.06.2022 published the seniority list, in which the petitioner's name has been placed at serial no.426 though his name ought to



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have been placed at serial no.270 considering his rank. Hence, immediately the petitioner has raised objection for the placement of his name in serial no.426 instead of serial no.270. The 3rd respondent vide his proceedings, dated 16.11.2022 forwarded the proposal to the 2nd respondent. However, no action was taken so far on the objection submitted by the petitioner. In view of the same, this writ petition came to be filed.

3. 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.

4. Considering the limited scope of the relief sought for by the petitioner, this Court hereby direct the 2nd respondent to consider the proposal which has been forwarded by the 3rd respondent, dated 16.11.2022 on the basis of the petitioner's representation and pass appropriate orders in accordance with law



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within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. No costs.

06.02.2024

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

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To

- 1.The Director of School Education,
O/o the Director of School Education,
College Road, Chennai-6.
- 2.The Joint Director of School Educational
(Higher Secondary),
O/o the Joint Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
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L.VICTORIA GOWRI, J.

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