



W.P.(MD).No.2914 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2914 of 2024

The Correspondent
St.Marys Higher Secondary School,
Kaliyal, Kanyakumari District.

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director of School Education (Secondary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Kanyakumari District @ Nagercoil.
5. The District Educational Officer,
Marthandam, Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve the appointment of L. Mary Libina as B.T. Assistant in Social Science from the date of her initial appointment that is from 01.08.2023 and to pay arrear of salary and all attendant service and monitory benefits consequent to the same by considering the proposal of the petitioner, dated 10.01.2024 within a stipulated time specified by this Court.

For Petitioner : Mr. SC.Herold Singh

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to approve the appointment of L. Mary Libina as B.T. Assistant in Social Science from the date of her initial appointment that is from 01.08.2023 and to pay arrear of salary and all attendant service and monitory benefits consequent to the same by considering the proposal of the petitioner, dated 10.01.2024 within a stipulated time specified by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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

4.The petitioner's School is a minority institution and receiving grant-in-aids towards the salary of the teaching and non-teaching staff. There arose a vacancy in the post of B.T.Assistant in Social Science, due to retirement of one P.S.Rajan on 31.07.2023. One L.Mary Libina made an application to the said post. Considering her eligibility, she was appointed in the said post with effect from 01.08.2023. To approve the appointment of said L.Mary Libina, a proposal has been sent by the petitioner's school to the fourth respondent and the same is kept pending. Hence, this writ petition came to be filed.

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,



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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.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the fourth respondent to consider the proposal forwarded by the petitioner's School and pass appropriate order 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.

09.02.2024

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



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To

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L.VICTORIA GOWRI, J.

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