



W.P.(MD).No.3358 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3358 of 2024

Everest Mariyappa Nadar
Higher Secondary School,
Represented by its Secretary,
Jothi Nagar, Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The Joint Director of School
Education (Secondary Grade),
College Road,
Chennai-600 006.

... 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 herein to sanction 2 additional posts of Physical Education Teachers to petitioner's School as per G.O.(Ms)No.525, School Education Department,



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dated 29.12.1997, from the common pool maintained by the 1st respondent, by considering the petitioner's representation dated 29.12.2023 within a reasonable time stipulated by this Court.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents herein to sanction 2 additional posts of Physical Education Teachers to petitioner's School as per G.O.(Ms)No.525, School Education Department, dated 29.12.1997, from the common pool maintained by the 1st respondent, by considering the petitioner's representation dated 29.12.2023.

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



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner's School is a recognized private aided school and is offering education from standards 6th to 12th in two Mediums namely Tamil and English. The total students of Tamil Medium are nearly 882 students. However, only one Physical Education Teacher alone is working in the school and the respondents are bound to sanction 2 more additional posts of Physical Education Teachers in terms of G.O.(Ms)No.525, School Education Department, dated 29.12.1997. Hence, the petitioner made a representation dated 29.12.2023 seeking to sanction two additional posts of Physical Education Teachers to the petitioner's School in the terms of aforesaid G.O. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Carefully perused the materials available on record.



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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. It is made clear that without going into the merits of this case, this Court hereby direct the 2nd respondent to consider the representation of the petitioner dated 29.12.2023 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.



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7. Accordingly, this Writ Petition stands disposed of. No costs.

14.02.2024

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

To

- 1.The Director of School Education,
College Road,
Chennai-600 006.
- 2.The Joint Director of School
Education (Secondary Grade),
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L.VICTORIA GOWRI, J.

Sml

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