



W.P.(MD).No.4352 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4352 of 2024

Nadar Primary School,
Rep. By its Secretary, A.Madasamy

... Petitioner

Vs

1. The Director of Elementary Education,
DPI Campus, Chennai 6.
2. The District Elementary Officer (Elementary),
District Educational Office,
Virudhunagar, Virudhunagar District.
3. The Block Educational Officer,
Thiruchuzhi Union, Virudhunagar District.
4. The Block Educational Officer,
Virudhunagar Block, Virudhunagar 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 respondent No. 1 and 2 to pass orders upon the proposal submitted by the petitioner, dated 29.01.2024 within the time period stipulated by this Court.

For Petitioner : Mr. S.Rajasekar
For Respondents : Mr.P.T.Thiraviam
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the respondent No. 1 and 2 to pass orders based upon the proposal submitted by the petitioner, dated 29.01.2024 within the period stipulated 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.

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

4.The petitioner is the Secretary of the Petitioner's School in the year 2022-23. Since there is increase in students strength in the School, there is a need of Secondary Grade Teacher Post as per the Staff Fixation Order, dated 01.08.2023 issued by the second respondent. Under such circumstances, a Secondary Grade Teacher namely V.Shanmugalakshmi working at KKSSN Memorial Middle School is willing to get transfer to the petitioner's School in



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the needy post, on the basis of deployment. There are four surplus teachers in the said School. Therefore, the petitioner submitted a proposal to the second respondent seeking deployment of the said teacher to his School on 20.10.2023. The same was returned, since he has not annexed the Staff Fixation Order for the year 2023-24 and School Visit Report of the third respondent. After enclosing the said documents, the petitioner resubmitted the same to the second respondent on 29.01.2024. However, as of now, no order has been passed. 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, 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 the respondents to consider the same within a stipulated time.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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