



W.P(MD)No.5663 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.5663 of 2024

D.John Wesly

... Petitioner

Vs.

1.The District Elementary Education Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Block Education Officer,
Ambasamuthram,
Tirunelveli District.

3.The Correspondent,
T.D.T.A.Middle School,
Keelasivanthipuram,
Ambasamuthram,
Tirunelveli 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 1st respondent to approve the petitioner post as Secondary Grade Assistant Teacher in T.D.T.A.Middle School, Keelasivanthipuram, Ambasamuthram, Tirunelveli District from the date of the petitioner's appointment i.e., 05.10.2017 within the time stipulated by this Court.



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For Petitioner : Mr.K.Sudalaiyandi
For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to approve the petitioner post as Secondary Grade Assistant Teacher in T.D.T.A.Middle School, Keelasivanthipuram, Ambasamuthram, Tirunelveli District from the date of the petitioner's appointment i.e., 05.10.2017 within the time stipulated by this Court.

2. Considering the nature of the leave to be granted, the issuance of notice to the 3rd respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as a Secondary Grade Teacher in the 3rd respondent school from 05.10.2017. The 3rd respondent school is a minority private recognized school. The petitioner was appointed in a sanctioned vacancy which had arisen due to the retirement of one Juliet Esthal. The 3rd respondent has forwarded the proposal to approve the appointment of the petitioner to the 1st respondent. However, the same was not considered.



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Subsequently, on 07.12.2020, the petitioner had made a representation to the 2nd respondent through the 3rd respondent requesting to approve the appointment with effect from 05.10.2017. Thereafter, on 29.12.2023, the petitioner had sent a representation to the 1st and 2nd respondents. Since the same was not considered, this writ petition came to be filed.

4. 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.

5. Without going into the merits of this case, this Court hereby direct the 1st and 2nd respondents to consider the representation of the petitioner, dated 29.12.2023 and pass appropriate orders in accordance with law within a period of ten (10) weeks from the date of receipt of copy of this order.



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

11.03.2024

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

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To

1.The District Elementary Education Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Block Education Officer,
Ambasamuthram,
Tirunelveli District.



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L.VICTORIA GOWRI, J.

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