



W.P.(MD).Nos.7199 to 7203 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.7199 to 7203 of 2024

The Correspondent,
Holy Cross Girls Higher Secondary School,
Batlagundu, Dindigul District.

... Petitioner in W.P.(MD) No.7199 of 2024

The Correspondent,
Holy Cross Girls Higher Secondary School,
Thoothukudi, Thoothukudi District.

... Petitioner in W.P.(MD) No.7200 to 7203 of 2024

Vs

1. The Govt of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort St. George, Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Dindigul District.
4. The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Dindigul District.

... Respondents in W.P.(MD) No.7199 of 2024



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1. The Govt of Tamil Nadu,
Rep. by its Additional Chief Secretary,
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DPI Campus, College Road,
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3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thoothukudi District.
4. The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Thoothukudi District.

... Respondents in W.P.(MD) Nos.7200 to 7203 of 2024

Prayer in WP(MD) No.7199 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the proposal of the petitioner, dated 20.02.2024 for approval to the appointment of Jeyanthi and to approve the appointment of Jeyanthi, working as B.T.Assistant (History) in the petitioner school, Holy Cross Girls Higher Secondary School, Batlagundu, Dindigul district, w.e.f 10.10.2022 and release salary with all service and monetary benefits.

Prayer in WP(MD) No.7200 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus,



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directing the respondents to consider the proposal of the petitioner, dated 11.03.2024 for approval to the appointment of the incumbent and to approve the appointment of Mrs. Jebarani, working as Drawing Teacher in Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi District, w.e.f 02.07.2018 and release salary with all service and monetary benefits.

Prayer in WP(MD) No.7201 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the proposal of the petitioner, dated 06.03.2019 for approval to the appointment of Mrs.Annai Ranji and to approve the appointment of Mrs. Annai Ranji, working as B.T.Assistant (Social Science) in Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi District, w.e.f 02.07.2018 and release salary with all service and monetary benefits.

Prayer in WP(MD) No.7202 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the proposal of the petitioner, dated 06.03.2019 for approval to the appointment of Sr.Inigo Mary working as B.T.Assistant (English) in Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi district, w.e.f 01.06.2018 and release salary with all service and monetary benefits.

Prayer in WP(MD) No.7203 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the proposal of the petitioner, dated



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11.03.2024 for approval to the appointment of Mrs.A.Amutha and to approve the appointment of Mrs.A.Amutha working as B.T.Assistant (Science) in Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi District w.e.f 02.07.2018 and release salary with all service and monetary benefits.

In all the petitions:

For Petitioners : Fr.S.Savarimuthu

For Respondents : Mr.P.T.Thiraviam
Government Advocate

COMMON ORDER

The issue involved in all the Writ Petitions is one and the same and therefore, they are heard together and disposed of by way of this common order.

2.These present writ petitions have been filed seeking a direction to the respondents to consider the proposal of the petitioners.

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



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

5.The writ petitioner in WP(MD) No.7199 of 2024 and the writ petitioners in other four cases are Minority Schools, administered by the Catholic Religious Congregation of 'Roman Catholic Society of the Congregation of the Sisters of Holy Cross of Chanvanod'.

6.All the petitioners had appointed various teachers in the post of B.T.Assistant/Drawing Teacher in the vacancies, which has arisen due to retirement/transfer of the erstwhile incumbents. For easy reference, the details of their appointment and other particulars are extracted hereunder in a tabular form:



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Sl No	No. of Writ Petition	Name of the School	Name of the appointee and post of appointment	Date of appointment	Reason for vacancy	Date of submission of final proposal
1	WP(MD) 7199/2024	Holy Cross Girls Higher Secondary School, Batlagundu, Dindigul District.	Jeyanthi/ B.T.Assistant	10.10.2022	Retirement of Anjalina Thanga Prakasam	20.02.2024
2	WP(MD) 7200/2024	Holy Cross Girls Higher Secondary School, Thoothukudi,T Thoothukudi District.	Jebarani/ Drawing Teacher	02.07.2018	Retirement of Rajam	11.03.2024
3	WP(MD) 7201/2024	Holy Cross Girls Higher Secondary School, Thoothukudi,T Thoothukudi District.	Annai Ranji/ B.T.Assistant	02.07.2018	Retirement of Amalarani	11.03.2024
4	WP(MD) 7202/2024	Holy Cross Girls Higher Secondary School, Thoothukudi,T Thoothukudi District.	Inigo Mary/ B.T.Assistant	01.06.2018	Retirement of Shanthini	11.03.2024
5	WP(MD) 7203/2024	Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi District.	Amutha/ B.T.Assistant	02.07.2018	Transfer of Methana Mary	11.03.2024



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7.The petitioners' school after appointing the various persons as detailed supra, had sent the proposals seeking approval to the fourth respondent from time to time. On receipt of the same, certain queries were raised by the fourth respondent and the proposals were returned at the first instance. After rectifying the defects as sought for by the fourth respondent, the petitioners' school had resubmitted the same. However, few proposals were returned and finally all the proposals were resubmitted before the fourth respondent during the year 2024. However, the same were not considered. Hence, these writ petitions came to be filed.

8. 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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9.Considering the limited scope of the relief sought for by the petitioners, without going into the merits of the case, this Court hereby direct the fourth respondent to consider the proposals submitted by the petitioners School 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.

10.With the above direction, these writ petitions stand disposed of.

There shall be no order as to costs.

22.03.2024

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

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L.VICTORIA GOWRI, J.

PNM

**COMMON ORDER IN
W.P.(MD).Nos.7199 to 7203 of 2024**

22.03.2024