



WP.(MD).No.7624 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7624 of 2024

M.Aranganthan

... Petitioner

Vs.

1.The Commissioner of School Education,
Chennai- 6.

2.The Joint Director of School Education,
(Secondary),
Chennai-6.

3.The Chief Educational Officer,
Trichy.

4.The District Educational Officer,
Trichy.

5.The Secretary,
Anna Higher Secondary School,
Vinoba Nagar,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from including the petitioner name in the surplus list for the post of B.T. Assistant (Science) and permit him to continue in the 5th respondent School by considering his representation



WP.(MD).No.7624 of 2024

dated 17.02.2024.

WEB COPY

For Petitioner
For Respondents

: Mr.V.Panneer Selvam
: Mr.N.Ramesh Arumugam
Government Advocate

ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from including the petitioner name in the surplus list for the post of B.T. Assistant (Science) and permit him to continue in the 5th respondent School by considering his representation dated 17.02.2024.

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

The petitioner is working as a BT Assistant in the fifth respondent School, which is a non minority aided School. Four B.T. Assistants (Science) are working including the petitioner. The petitioner was appointed as a BT Assistant in the permanent post on 16.06.2005 and he is the senior most among BT Assistant (Science) Teachers. The third respondent has issued a staff fixation



WP.(MD).No.7624 of 2024

for the year 2022-2023 wherein two posts of BT Assistants (Science) were declared as surplus. Since the petitioner is the senior most BT Assistant (Science) on 17.02.2024, the petitioner made a representation not to deploy him to the needy School in view of the staff fixation in 2022-2023. Since the said representation is kept pending, this Writ Petition came to be filed.

4.The learned Government Advocate appearing for the respondents relying upon the Form II list of staff maintained by the fifth respondent School, the petitioner is placed in the serial No.2 in the seniority list. However, the learned Government Advocate appearing for the respondents submitted that they have not received any instructions as to deployment so far.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and carefully perused the entire materials available on record.

6.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



WP.(MD).No.7624 of 2024

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.

7.In view of the same, without going into merits of the case, this Court hereby direct the third respondent to consider the representation of the petitioner dated 17.02.2024 and pass appropriate order in accordance with law within a period of four weeks from the date of receipt of copy of this order.

8.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

27.03.2024

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



WEB COPY



WP.(MD).No.7624 of 2024

To

- 1.The Commissioner of School Education,
Chennai- 6.
- 2.The Joint Director of School Education,
(Secondary),
Chennai-6.
- 3.The Chief Educational Officer,
Trichy.
- 4.The District Educational Officer,
Trichy.
- 5.The Secretary,
Anna Higher Secondary School,
Vinoba Nagar,
Trichy.



WEB COPY



WP.(MD).No.7624 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.7624 of 2024

27.03.2024