



W.P.(MD).No.7527 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7527 of 2024

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

...Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. by its Additional Chief
Secretary,
Department of School Education,
Fort St. George, Chennai-09.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-06.
- 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



W.P.(MD).No.7527 of 2024

Prayer : 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 Mrs.Archana and to approve the appointment of Mrs.Archana, working as B.T.Asst. (Science) in the petitioner school, Holy Cross Girls Higher Secondary School, Batlagundu, Dindigul District, w.e.f. 22.02.2022, and release salary with all service and monetary benefits.

For Petitioner : Mr.S.Savari Muthu
For M/s.Father Xavier Associates

For Respondents : Mr.P.T.Thiraviam

ORDER

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

2. The present writ petition has been filed seeking direction to the respondents to consider the proposal of the petitioner School dated 20.02.2024, for approval to the appointment of Mrs.Archana, working as B.T.Asst. (Science) in the petitioner school, Holy Cross Girls Higher Secondary School,



W.P.(MD).No.7527 of 2024

Batlagundu, Dindigul District, w.e.f. 22.02.2022, and release salary with all service and monetary benefits.

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

The petitioner School is a Minority Religious Institution. The petitioner School appointed one Mrs.Archana as B.T.Assistant (Science) with effect from 22.02.2022, in a vacancy which had arisen due to the demise of one Sr.Mercy, on 31.08.2017. Earlier, one Sr.Anitta Motha was appointed by the petitioner School with effect from 01.09.2017, in the vacancy which had arisen due to the demise of Sr.Mercy on 31.08.2017. However, even before the approval of the appointment, the said Sr.Anitta Motha resigned her job. Thereafter, one Mrs.Archana was appointed by the petitioner School, following which, the petitioner School had forwarded the proposal seeking approval of the appointment of Mrs.Archana with effect from 22.02.2022. The staff fixation for the academic year 2022-2023 with respect to the petitioner School would reveal that there is no surplus. The 4th respondent, vide proceedings, dated 17.04.2023 returned the proposal without approval, seeking additional documents. In



W.P.(MD).No.7527 of 2024

compliance to the same, the petitioner School resubmitted a proposal on 20.02.2024. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

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. Without going into the merits of this case, this Court hereby direct the 4th respondent to consider the proposal submitted by the petitioner School dated



W.P.(MD).No.7527 of 2024

20.02.2024 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

26.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

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W.P.(MD).No.7527 of 2024

L.VICTORIA GOWRI, J.

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W.P.(MD).No.7527 of 2024

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