



WP(MD) No.9907 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9907 of 2024

and

W.M.P(MD)No.8981 of 2024

P.Velkani

... Petitioner

Vs.

1.The Chief Educational Officer

Tuticorin District,

Tuticorin - 628 002.

2.The District Educational Officer,

Tiruchendur,

Tuticorin District.

3.The Correspondent

St. Josephs Girls Higher Secondary School,

Sathankulam,

Tuticorin District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st and 2nd respondents to approve the appointment of the petitioner in the post of Office Assistant in the 3rd respondent school with effect from 23.06.2021 and consequently direct the 1st and 2nd respondents to release the salary grant and all other attendant and applicable monetary benefits from 23.06.2021.

For Petitioner : Mr.M.E.Ilango

For Respondents: Mr.M.Siddharthan – for R1 & R2

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondents 1 and 2 to approve the appointment of the petitioner in the post of Office Assistant in the 3rd respondent school with effect from 23.06.2021 and consequently



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direct the respondents 1 and 2 to release the salary grant and all other attendant and applicable monetary benefits from 23.06.2021.

2. Heard Mr.M.E.Ilango, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 and 2.

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

4. The petitioner was appointed as an Office Assistant on 21.06.2021 and she had been working continuously all these years without salary, however, the official respondents have not approved the appointment of the petitioner. The third respondent school had sent a proposal dated 21.06.2021 to the respondents 1 and 2 seeking to grant approval for the appointment of the petitioner in the post of Office Assistant. Since the same was not considered, again the third respondent sent a representation dated



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19.09.2023. So far the same has also not been considered. Hence the present writ petition has been 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.



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6. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the respondents 1 and 2 herein to consider the proposal sent by the third respondent school dated 23.06.2021 and pass appropriate orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents 1 and 2 to consider the same on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

23.04.2024

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

RM



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Tuticorin - 628 002.
- 2.The District Educational Officer,
Tiruchendur,
Tuticorin District.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9907 of 2024

23.04.2024