



WP(MD) No.9898 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9898 of 2024

The Correspondent

R.C.Middle School,

Chidambarapuram - 627754,

Kuruvikulam Via,

Tenkasi District.

... Petitioner

Vs.

1.The Government of Tamilnadu

Rep. by its Additional Chief Secretary,

Department of School Education,

Fort St. George,

Chennai - 9.



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2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.

3.The District Elementary Educational Officer,
The Office of the District Elementary Educational Officer,
Tenkasi.

4.The Block Educational Officer
The Office of the Block Educational Officer,
Kuruvikulam,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 4th respondent to act upon on the proposal for approval to the appointment of the incumbent, dated 02.09.2021 and to regularize the service of the incumbent, Sr.A.Roslin Mary working as Secondary Grade Teacher in R.C. Middle School,



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Chidambarapuram-627754, Kuruvikulam (via), Tenkasi District,
w.e.f. 04.08.2021 with all service monetary benefits.

For Petitioner : Mr.Fr.S.Savarimuthu,
for M/s.Father Xavier Associates

For Respondents: Mr.T.Amjadkhan
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the 4th respondent to act upon on the proposal for approval to the appointment of the incumbent, dated 02.09.2021 and to regularize the service of the incumbent, Sr.A.Roslin Mary working as Secondary Grade Teacher in R.C. Middle School, Chidambarapuram-627754, Kuruvikulam (via), Tenkasi District, w.e.f. 04.08.2021 with all service monetary benefits.



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2. Heard Mr.Fr.S.Savarimuthu, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

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

4. The petitioner school had sent a proposal dated 02.09.2021 seeking for approval of the appointment of the incumbent, namely, Sr.A.Roslin Mary, as Secondary Grade Teacher w.e.f., 04.08.2021 before the Educational Authorities/respondents herein. Since the said proposal was not considered by the fourth respondent, the present writ petition has been filed.

5. It is needless to point out that whenever a representation/proposal of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the



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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/proposal 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/ proposal of the petitioner within a specified time frame.

6. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the fourth respondent herein to consider the proposal sent by the petitioner-school, dated 02.09.2021 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



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has not gone into the merits of the claim of the petitioner and it is open to the fourth respondent to consider the same on its own merits. No costs.

23.04.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
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