



WP(MD) No.11056 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11056 of 2024

A.Amali Sophia

... Petitioner

Vs.

1. The Chief Educational Officer,
Dindigul District.

2.The District Educational Officer (Secondary),
Palani,
Dindigul District.

3.The Correspondent,
St.Xavier's Higher Secondary School,
Naidupuram, Kodaikanal,
Dindigul District.

... Respondents

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 approve the appointment of the petitioner as BT Assistant (Maths) in the 3rd respondent school with effect from



WP(MD) No.11056 of 2024

01.06.2018 with salary and all consequential benefits.

WEB COPY

For Petitioner : Mr.V.Panneer Selvam

For R1 & R2 : Mr.T.Amjadkhan

Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to approve the appointment of the petitioner as BT Assistant (Maths) in the 3rd respondent school with effect from 01.06.2018 with salary and all consequential benefits.

2. Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 & 2.

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



WP(MD) No.11056 of 2024

WEB COPY

4. The petitioner submits that one post of B.T. Assistant became vacant due to relieving of Celine Rose Mary B.T.Assistant (Maths) in the 3rd respondent school. In the above said permanent sanctioned vacancy the petitioner was appointed as a B.T Assistant (Maths) on 01.06.2018. The 3rd respondent sent a proposal for approval to the 2nd respondent on 11.07.2018. However, the 2nd respondent returned the proposal for want of relieving order of the above said Celine Rose Mary and fitness certificate for the petitioner. The 3rd respondent resubmitted the proposal to the 2nd respondent enclosing the necessary documents. Thereafter there is no response from the respondents. The 3rd respondent school was sanctioned with 3 posts of B.T Assistant (Maths). The petitioner was appointed within the three posts in the said sanctioned vacancy and there is no surplus in the 3rd respondent school as per the fixation order issued by the 1st respondent. Therefore, as per their own staff fixation report, the appointment ought to have been approved by the respondents. But till today the respondents are not considering the same. Therefore, again the 3rd respondent sent a



WP(MD) No.11056 of 2024

proposal of approval to the 2nd respondent on 13.03.2024 with relevant documents. But till today the issue is prolonging without granting approval. Since the said representation was not considered, 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.



WEB COPY



WP(MD) No.11056 of 2024

6. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 26.03.2024 on its own merits and pass appropriate orders 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 second respondent to consider the same on its own merits.

7. With the above direction, the Writ Petition stands **disposed of**. No costs.

30.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

PJL

To

1. The Chief Educational Officer, Dindigul District.

2. The District Educational Officer(Secondary),
Palani, Dindigul District.



WEB COPY



WP(MD) No.11056 of 2024

R.N.MANJULA, J.

PJL

**Order made in
W.P.(MD)No.11056 of 2024**

30.04.2024