



WP(MD) No.11766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11766 of 2024

S.Sekar

... Petitioner

Vs.

1.The Chief Educational Officer

O/o. the Chief Educational Officer,
Tirunelveli District.

2.The District Educational Officer,

O/o. the District Educational Officer,
Tirunelveli District.

3.The St. Xaviers Hr. Sec. School,

Rep. by the Correspondent,
Palayamkottai,
Tirunelveli District.

...Respondents



WP(MD) No.11766 of 2024

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondents to appoint the Petitioner to the Promotion post of post Graduate (Physics) Teacher based on his adequate education qualification with seniority in the sanctioned post for the vacancy arised on the retirement of Mr.Soosai Manickam Dharmaraj in light of Rules 28(2) (a-ii) of Tamilnadu Rule 28(4) (b) of Tamilnadu Private School (Regulations) Rule 2023 by considering the representations made by the petitioner dated 20.03.2024 and 24.04.2024.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.T.Amjad Khan – for R1 & R2

Government Advocate



WEB COPY



WP(MD) No.11766 of 2024

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the Respondents to appoint the Petitioner to the Promotion post of post Graduate (Physics) Teacher based on his adequate education qualification with seniority in the sanctioned post for the vacancy arised on the retirement of Mr.Soosai Manickam Dharmaraj in light of Rules 28(2) (a-ii) and 28(4) (b) of Tamilnadu Private School (Regulations) Rule 2023 by considering the representations made by the petitioner dated 20.03.2024 and 24.04.2024.

2. Heard Mr.I.Pinaygash, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 and 2.

3. In view of the order now passed by this Court, notice to the third respondent is dispensed with.



WP(MD) No.11766 of 2024

WEB COPY

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

5. The petitioner herein had given a representation dated 24.04.2024 to the respondents seeking promotion in the post of Post Graduate (Physics) in the sancitoned vacancy place as per Rules 28(2) (a-ii) and 28(4) (b) of Tamilnadu Private School (Regulations) Rule 2023. Since the said representations were not considered by the respondents so far, the present writ petition has been filed.

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 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



WP(MD) No.11766 of 2024

derelection 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 a direction to consider the representation of the petitioner within a specified time frame.

7. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 24.04.2024 on its own merits and pass appropriate orders in light of Rules 28(2) (a-ii) and 28(4) (b) of Tamilnadu Private School (Regulations) Rule 2023 and in accordance with law, within a period of four 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 to consider the same on its own merits.



WP(MD) No.11766 of 2024

WEB COPY

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

06.06.2024

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

RM



WP(MD) No.11766 of 2024

WEB COPY

To

- 1.The Chief Educational Officer
O/o. the Chief Educational Officer,
Tirunelveli District.
- 2.The District Educational Officer,
O/o. the District Educational Officer,
Tirunelveli District.
- 3.The St. Xaviers Hr. Sec. School,
Rep. by the Correspondent,
Palayamkottai,
Tirunelveli District.



WEB COPY



WP(MD) No.11766 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11766 of 2024

Dated:
06.06.2024