



W.P.(MD)No.12005 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12005 of 2024

P.Parthiban

... Petitioner

vs.

1.The Director of School Education,
DPI Campus,
Chennai – 6.

2.The Joint Director of School Education(Higher Secondary),
DPI Campus,
Chennai – 6.

3.The Chief Educational Officer,
Sivagangai District.

4.The District Educational Officer(Secondary),
Sivagangai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from filling up the Post of Post Graduate Assistant in English by way of deployment transfer affecting the petitioner's right of promotion to the said post in N.S.M.V.P.S Higher Secondary School, Devakottai, Sivagangai District.



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For Petitioner : Mr.T.Aswin Raja Simman
For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, forbearing the respondents from filling up the Post of Post Graduate Assistant in English by way of deployment transfer affecting the petitioner's right of promotion to the said post in N.S.M.V.P.S Higher Secondary School, Devakottai, Sivagangai District.

2. Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents.

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



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4. The petitioner is working as a B.T. Assistant(Mathematics) at N.S.M.V.P.S.Higher Secondary School, Devakottai, Sivagangai District, which is a Government aided school. He was appointed in the said Post on 27.03.2000 and he has put up more than 24 years of service. From the year 2019 onwards, the Post of P.G. Assistant(English) is vacant due to the retirement of one P.S.Bala. However, due to the management dispute, the school is now under the direct control of the respondents.

5. The learned counsel for the petitioner submitted that the petitioner completed B.A(English) in the year 2010 and M.A(English) in the year 2014. However, the vacancy in the Post of P.G. Assistant(English) in the petitioner school is going to be filled up through deployment transfer by the respondent authorities. Since the petitioner is said to be working in N.S.M.V.P.S.Higher Secondary School, Devakottai, for more than 24 years, as per Section 15(iv) of the Tamil Nadu Private School Regulation Rules, 1974, the petitioner has to be considered to the Post of P.G. Assistant(English) in the said school. Hence, the petitioner has made a representation to the respondents on



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03.06.2024, wherein he made a request to consider himself to the Post of P.G.Assistant(English). Since the said representation was not considered, the present writ petition has been filed by the petitioner with the aforesaid prayer.

6. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon him to consider the same on their 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 Government Authority would amount to dereliction of duty. The failure on the part of the Authority had prompted the petitioner to file this petition 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.



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7. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 03.06.2024, on its own merits and pass appropriate orders 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.

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

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

PM



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R.N.MANJULA, J.

PM

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