



WP(MD). No.12630 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 14/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.12630 of 2024

The Secretary
Devangar Girls Higher Secondary Schools
Chinnalapatti
Dindigul District.

... Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai - 600 009..

2.The Chief Educational Officer,
Dindigul - 624 001,
Dindigul District..

3. The District Educational Officer,
Dindigul Educational District (Secondary),
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 2nd respondent Chief Educational Officer to give permission to the petitioner school to fill up the post of Watchman by considering the proposal dated 13.01.2023.



WP(MD). No.12630 of 2024

For Petitioner : M/s.Rooshi Mars for
M/s. Isaac Chambers,

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus to direct the 2nd respondent Chief Educational Officer to give permission to the petitioner school to fill up the post of Watchman by considering the proposal dated 13.01.2023.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. By consent of both sides, the writ petition itself is taken up for final disposal.

4. The petitioner submitted that there is vacancy in the post of watchman for which, he has sought permission from the 2nd respondent to fill up the said post. Despite the post fell vacant from 07.12.2022 and the



WP(MD). No.12630 of 2024

petitioner has given representation by way of proposal to the respondents on 13.01.2023, so far the same has not been considered. Hence, the petitioner is before this Court with this writ petition.

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

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's



WP(MD). No.12630 of 2024

representation/proposal dated 13.01.2023 on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of three 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 case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is **disposed of**. No costs.

14.06.2024

RR

TO

1.The Director of School Education,
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Chennai - 600 009..

2.The Chief Educational Officer,
Dindigul - 624 001,
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3. The District Educational Officer,
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WP(MD). No.12630 of 2024

R.N.MANJULA,J

RR

**ORDER
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