



W.P.(MD)No.14005 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14005 of 2024

Carmel Selvarani

... Petitioner

Vs.

- 1.The Director of School Education,
DPI Campus, Chennai-6.
- 2.The Director of Elementary Education,
DPI Campus, Chennai-6.
- 3.The Chief Educational Officer,
Theni District.
- 4.The District Educational Officer,
Theni District.
- 5.The Block Educational Officer,
Bodinaickanur,
Theni District.
- 6.The Secretary,
Savarinayagam Elementary School,
Manickapuram,
Bodinaickanur,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to grant re-employment to the petitioner from 01.07.2024 to 31.05.2025 with all monetary benefits.

For Petitioner : Mr.T.Augustine Ebenezer
For R1 to R5 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking a Writ of Mandamus, to direct the respondents to grant re-employment to the petitioner from 01.07.2024 to 31.05.2025 with all monetary benefits.

2.Heard Mr.T.Augustine Ebeneser, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader 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 Secondary Grade Teacher in Savarinayagam Elementary School / 6th respondent School and her retirement date is fell in the mid of the academic year 2024-25, i.e., on 30.06.2024. Hence, she made an application before the sixth respondent School to reappoint her in the School till the end of the academic year. The School, having considered the application of the petitioner, appointed the petitioner in the School and on such appointment, the School has sent a proposal on 28.05.2024 to the fifth respondent seeking approval for the said appointment. Since the same was not considered, the petitioner has filed this present writ petition.

5.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 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 Government 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



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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 third respondent herein to consider the proposal submitted by the School dated 28.05.2024 on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

27.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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R.N.MANJULA, J.

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