



W.P.(MD).No.15530 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.15530 of 2021

M.Mary Mallika

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari District,
Nagercoil.

2.The District Educational Officer,
O/o. the District Educational Officer,
Thiruvattar,
Kanyakumari District.

3.The Block Educational Officer,
O/o. the Block Educational Officer,
Thiruvattar,
Kanyakumari 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 respondent No.1 to pass orders on the objections dated 12.07.2021 offered by the petitioner in



W.P.(MD).No.15530 of 2021

pursuance to the proceedings dated 08.07.2021 on the file of the respondent No.1, within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the the respondent No.1 to pass orders on the objections dated 12.07.2021 offered by the petitioner in pursuance to the proceedings dated 08.07.2021 on the file of the respondent No.1, within the time stipulated by this Court.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a Secondary Grade Teacher on 18.06.1991 on consolidated pay. She was brought under regular time scale of pay with effect from the date of her initial appointment, that is, 18.06.1991. From the year 2019, she is serving as the Headmistress of the Government Primary School, Thirunandthikarai in Thiruvattar Block. While so, the 1st



W.P.(MD).No.15530 of 2021

respondent issued the temporary seniority list in the post of Secondary Grade Teachers as on 01.01.2020, vide proceedings dated 30.11.2020. However, the petitioner's name was not included in the said seniority list. While so, the 1st respondent had published the panel of Secondary Grade Teachers for promotion to the post of B.T. Assistants as on 01.01.2021, vide proceedings dated 08.07.2021. Even in the said panel, the petitioner was not included, as a result of which, she submitted her objection through proper channel on 12.07.2021 to the 1st respondent. Since the same was not considered, the present writ petition came to be filed.

3. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

4. 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 respondent 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 made by the Statutory Authority would



W.P.(MD).No.15530 of 2021

amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the limited scope of relief sought for by the petitioner herein, the petitioner is directed to submit a fresh representation citing the objections submitted by her on 12.07.2021 to the 1st respondent within one week from today, i.e., on 02.07.2024. On receipt of the same, the respondents are directed to pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of the petitioner's representation.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

02.07.2024

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

Note: Issue order copy on 02.07.2024.



W.P.(MD).No.15530 of 2021

To
WEB COPY

- 1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari District,
Nagercoil.
- 2.The District Educational Officer,
O/o. the District Educational Officer,
Thiruvattar,
Kanyakumari District.
- 3.The Block Educational Officer,
O/o. the Block Educational Officer,
Thiruvattar,
Kanyakumari District.



WEB COPY



W.P.(MD).No.15530 of 2021

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.15530 of 2021

02.07.2024