



W.P.(MD).No.15034 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.15034 of 2024

and

WMP(MD) Nos.13200 and 13971 of 2024

The Correspondent,
St.Johns Girls Higher Secondary School,
Kodaikannal – 624 101,
Dindigul District.

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Secretary,
Department of School Education,
Fort. St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 009.
3. The Chief Educational Officer,
Dindigul, Dindigul District.
4. The District Educational Officer,
Vathalakundu, 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 3rd respondent CEO and the 4th respondent DEO to approve forthwith the appointment of



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Tmt.S.Lourdes Prasanna Kumari as B.T.Assistant (Science) in the petitioner school and disburse the grant-in-aid towards her salary and other allowances with effect from the date of appointment i.e., 03.09.2019.

[prayer amended vide order dated 23.07.2024]

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s. Isaac Chambers
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard Mr.K.Ragatheesh Kumar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, for the respondents.

2.This Writ Petition has been filed for a direction to the 3rd and the 4th respondents to approve the appointment of S.Josephine Kiruba as B.T.Assistant (Science) in the petitioner school and disburse the grant-in-aid towards her salary and other allowances with effect from the date of appointment i.e., 03.09.2019.

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 School has appointed one Tmt.S.Lourdes Prasanna Kumari as a B.T.Assistant (Science) on 03.09.2019, in the vacancy that had arisen due to the transfer of the then incumbent, namely Sr.A.Rose Sahaya Selva Malar. The petitioner School has made appointment of said Tmt.S.Lourdes Prasanna Kumari in the existing vacancy and her appointment is well within the staff strength fixed by the 3rd respondent for the academic year 2019-20. The petitioner School has sent a proposal to the 3rd respondent on 16.10.2019 seeking approval of the said appointment. However, the proposal sent by the petitioner, dated 16.10.2019 is still pending. Hence, this writ petition came to be filed.

5. It is needless to point out that whenever proposal/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. 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



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required to be given with a direction to consider the proposal of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents to consider the proposal of the petitioner, dated 16.10.2019, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, 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 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. Consequently, connected miscellaneous petitions are closed.

23.07.2024
(1/2)

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

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R.N.MANJULA, J.

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