



W.P.(MD).No.17872 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17872 of 2024

and WMP(MD) Nos.15331 & 15332 of 2024

N.Merchy Mabalet

... Petitioner

Vs

1. The Chief Educational Officer,
Kanyakumari District,
Nagercoil 629 001.

2. The District Educational Officer,
Nagercoil 629 001,
Kanyakumari District.

3. The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71A, Dennis Street,
Nagercoil 629 001.

4. The Correspondent,
Scott Christian Higher Secondary School,
Nagercoil, 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 Respondents to



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give re-employment to the petitioner as B.T.Assistant in Scott Christian Higher Secondary School, Nagercoil in terms of GO.(Ms).No.261 School Education Department dated 20.12.2018 and GO (Ms).No.115 School Education dated 28.06.2022 considering the request of the petitioner before the date of retirement i.e., 31.07.2024.

For Petitioner : Mr. Aayiram Selvakumar

For Respondents : Mr.T.Amjad Khan (R1,R2)
Government Advocate

Mr.S.C.Herold Singh (R3,R4)
Standing Counsel

ORDER

Heard Mr.Aayiram Selvakumar, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate, for the respondents 1 & 2 and Mr.S.C.Herold Singh, learned Standing Counsel for the respondents 3 & 4.

2.This Writ Petition has been filed for a direction to the respondents to give re-employment to the petitioner as a B.T.Assistant in Scott Christian Higher Secondary School, Nagercoil in terms of GO.(Ms).No.261 School Education Department dated 20.12.2018 and GO (Ms).No.115 School Education dated 28.06.2022.



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

4. The petitioner, who was appointed as a B.T. Assistant in the 4th respondent School is going to retire from service on 31.07.2024. In terms of GO.(Ms).No.261 School Education Department dated 20.12.2018 and GO (Ms).No.115 School Education dated 28.06.2022, she is entitled to get reappointment till the end of the academic year. In this regard, the petitioner has sent a representation to the respondents on 27.05.2024 & 16.07.2024. However, the same was not considered. Hence, this writ petition came to be filed.

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. 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



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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 representations, dated 27.05.2024 & 16.07.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry. 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.

31.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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R.N.MANJULA, J.

PNM

ORDER IN
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