



W.P.(MD).No.18311 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18311 of 2024

R.M.Deepika

... Petitioner

Vs

1. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Theni, Theni District.

2. The District Educational Officer (Elementary),
O/o.The District Educational Officer,
Theni, Theni District.

3. The Block Educational Officer,
O/o.The Block Educational Officer,
Uthamapalayam,
Theni District.

4. The President,
Sri Onnuramaswamy Middle School,
Thevaram,
Theni 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 1



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and 2 to approve the appointment of petitioner as B.T.Assistant (English) w.e.f., 06.06.2019 without reference to pass in Teacher Eligibility Test (TET) in the light of order made in W.P.(MD).No.20857 of 2019, dated 23.06.2021 with all attended monetary benefits by considering the petitioner's representation dated 06.07.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr. C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate, for the respondents.

2.This Writ Petition has been filed for a direction to the the 1 and 2 to approve the appointment of petitioner as B.T.Assistant (English) w.e.f., 06.06.2019 without reference to pass in Teacher Eligibility Test (TET) in the light of order made in W.P.(MD).No.20857 of 2019, dated 23.06.2021 with all attended monetary benefits by considering the petitioner's representation dated 06.07.2022.



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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 is working as a B.T.Assistant (English) in the 4th respondent School. She was appointed on 06.06.2019 in the vacancy arisen due to the promotion of one R.Veeralakshmi, who was worked as B.T.Assistant (Science). In this regard, a proposal has been sent by the 4th respondent for conversion of post from Science to English to the third respondent and the same was returned stating that there is no vacancy in B.T.Assistant (English) and also by relying upon the interim order in W.A(MD) No.76 of 2019 etc., batch and also G.O.Ms.No.165, dated 17.09.2019.

5. It is the specific contention of the learned counsel for the petitioner that writ appeal in W.A(MD) No.76 of 2019 etc., batch has already been disposed of. Subsequently the School has also preferred a writ petition to approve the appointment in W.P.(MD) No.20859 of 2019, which was allowed. Hence, returning the proposal is illegal. The petitioner has submitted a representation, dated 06.07.2022 which was not considered so far. Hence, this writ petition has been filed.



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6. 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 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.

7. In the light of the above observations, this writ petition is disposed of by directing the respondents herein to consider the petitioner's application, dated 06.07.2022, 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



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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. No costs.

02.08.2024

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

To

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O/o.The Chief Educational Officer,
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O/o.The District Educational Officer,
Theni, Theni District.

3. The Block Educational Officer,
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R.N.MANJULA, J.

PNM

ORDER IN
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