



WP(MD) No.18146 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18146 of 2024
and
W.M.P(MD)No.15475 of 2024

The Correspondent

CMSES David Memorial Higher Secondary School,

Karisal Post,

Cheranmahadevi,

Tirunelveli District - 627 414.

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Secretary,

Department of School Education,

Fort St. George,

Chennai - 600 009.

2.The Director of School Education,

College Road,

Chennai - 600 009.



WP(MD) No.18146 of 2024

WEB COPY

3.The Chief Educational Officer

Tirunelveli,

Tirunelveli District

4.The District Educational Officer (Secondary Education)

Tirunelveli

Tirunelveli District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent CEO and 4th respondent DEO to approve forthwith the appointment of A.Stella Mary as PG Assistant (History) in the petitioner-school w.e.f., 03.07.2023, with all attendant benefits including arrears of salary and allowances.

For Petitioner : Ms.M.F.Rooshi Maas

for M/s.Isaac Chambers

For Respondents : Mr.T.Amjadkhan

Government Advocate



WP(MD) No.18146 of 2024

WEB COPY

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus to direct the 3rd and 4th respondents to approve forthwith the appointment of A.Stella Mary as PG Assistant (History) in the petitioner-school w.e.f., 03.07.2023, with all attendant benefits including arrears of salary and allowances.

2. Heard Ms.M.F.Rooshi Maas, learned counsel representing for M/s.Isaac Chambers for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

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

4. The petitioner herein had submitted a proposal to the fourth respondent on 17.07.2023 seeking for approval of the appointment of A.Stella Mary as PG Assistant (History) in the petitioner-school w.e.f., 03.07.2023. Since the said proposal was not considered, the present writ petition has been filed.



WP(MD) No.18146 of 2024

WEB COPY

5. It is needless to point out that whenever a proposal 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, 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 school 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 proposal of the petitioner school within a specified time frame.

6. In the light of the above observations, this writ petition is **disposed of** and the respondents are directed to consider the petitioner's proposal dated 17.07.2023 on its own merits and pass appropriate orders in accordance with law, 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 expressed any of its views with regard to the merits of the claim of the



WP(MD) No.18146 of 2024

WEB COPY

petitioner and that it is open to the concerned respondent to consider the same on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

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

RM

To

- 1.The Secretary,
State of Tamil Nadu
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
Tirunelveli,
Tirunelveli District
- 4.The District Educational Officer (Secondary Education)
Tirunelveli
Tirunelveli District.



WEB COPY



WP(MD) No.18146 of 2024

R.N.MANJULA, J.

RM

W.P.(MD)No.18146 of 2024

01.08.2024