



W.P.(MD).No.18545 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18545 of 2024

and

W.M.P.(MD)No.15757 of 2024

B.Murugesan

Vs

...Petitioner

- 1.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.
- 3.The District Educational Officer (Secondary),
Sivakasi Educational District,
Virudhunagar District.
- 4.The Secretary,
Therku Theru Hindu Nadar Higher Secondary School,
Mughavoor,
Rajapalayam Taluk,
Virudhunagar District.



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5.Senthil Nathan,

Headmaster,

Therku Theru Hindu Nadar Higher Secondary School,

Mughavoor,

Rajapalayam Taluk,

Virudhunagar 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 official respondents to cancel the appointment of the fifth respondent as Headmaster of the fourth respondent School and consequentially direct the official respondents to appoint the petitioner as Headmaster of the fourth respondent School by taking into consideration of the petitioner's merit, ability and seniority in consonance with Rule 15(4)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
For M/s.Ajmal Associates

For R-1 to R-3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.H.Mohammed Imran, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 3.



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2. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

3. The petitioner herein had given a representation to the second and third respondents on 20.07.2024 seeking for promotion to the post of Headmaster in the fourth respondent School by considering his merit, ability and seniority in consonance with Rule 15(4)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. Since the said representation was not considered, the present writ petition has been filed.

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 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



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of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

5. In view of the above, this Writ Petition is **disposed of** with a direction to the respondents 2 and 3 herein to consider the petitioner's representation dated 20.07.2024 on its own merits and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the parties concerned, 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 petitioner and that it is open to the respondents to consider the same on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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