



W.P.(MD).No.14765 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14765 of 2025

and

W.M.P.(MD)No.11031 & 11033 of 2025

B.B.Sibidhas

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600009.
2. The Director of School Education,
College Road,
Chennai - 600006.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer (Secondary),
Marthandam,
Kanyakumari District.
5. The Correspondent,
Yettacode Higher Secondary School,
Yettacode, Veeyannoor (Post),
Thiruvattar - 629177,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant promotion to the petitioner as Head Master in the vacancy which arise due to the retirement of E.Edna Vimala Isabel who is attaining the age of superannuation on 31.05.2025 by considering the request dated 19.05.2025.

For Petitioner : Mr.SC.Herold Singh

For Respondents : Mr.M.Siddharthan (R1 to R4)

Additional Government Pleader

Mr.S.Ragadeeshkumar (R5)

ORDER

This writ petition has been filed seeking a direction to the respondents to grant promotion to the petitioner as Head Master in the vacancy, which arose due to the retirement of E.Edna Vimala Isabel, who has attained the age of superannuation on 31.05.2025 by considering the representation dated 19.05.2025.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.



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3. The petitioner was appointed as BT Assistant on 27.07.2007 in the fifth respondent school, which is a recognized minority institution. Even though the petitioner is qualified to be promoted as Head Master in the vacancy, which arose due to the retirement of E.Edna Vimala Isabel on 31.05.2025, the third respondent is proposed to promote one M.P.Shinu, who is a junior to the petitioner. In this regard, the petitioner made a representation dated 19.05.2025. Since the said representation was not considered, the petitioner has filed the present Writ Petition.

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 him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 19.05.2025,



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on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.06.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.14765 of 2025

Dated:
02.06.2025