



W.P.(MD)No.16088 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16088 of 2025

and

WMP (MD) No.12184 of 2025

The Correspondent
RC Middle School
Vellicode, Mulagumoodu,
Kanyakumari District – 629 167.

: Petitioner

Vs.

1. The Director of Elementary Education,
College Road,
Chennai 600 006.

2. The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

3. The District Educational Officer (Elementary),
Nagercoil - 629 001.
Kanyakumari District.

4. The Block Educational Officer,
Thuckalay,
Kanyakumari District.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 and 4 to approve forthwith the appointment of K.P.Dawnsalam as B.T. Assistant (History) in the petitioner school w.e.f. 01.06.2020 with salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s. Isaac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents 3 and 4 to approve forthwith the appointment of K.P.Dawnsalam as B.T. Assistant (History) in the petitioner school w.e.f. 01.06.2020 with salary and all other attendant benefits.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner school is a recognized and aided minority educational institution. Upon the retirement of the then incumbent, D. Mary Pushpam, on 30.04.2020, a fully qualified candidate, namely K.P. Dawnsalam, was appointed as B.T. Assistant (History) on 01.06.2020. The grievance of the petitioner school is that, following the said appointment, a proposal was submitted to the fourth respondent / Block Educational Officer, seeking approval for the appointment of K.P. Dawnsalam as B.T. Assistant (History). However, the fourth respondent returned the proposal, citing G.O.(Ms.) No.165, dated 17.09.2019. Subsequently, the petitioner school resubmitted the proposal on 30.05.2024 through proper channel, pointing out that the issue of surplus teachers had already been addressed by this Court in the judgment dated 31.03.2021 in W.A.(MD) No.76 of 2019 etc., batch, wherein G.O.(Ms.) No.165, dated 17.09.2019, was declared inoperative. However, the said proposal has not been considered till date. Hence, the petitioner is constrained to file the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to



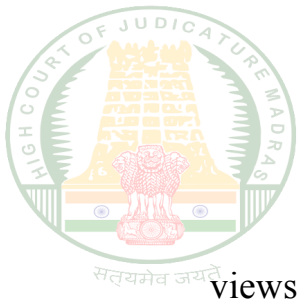
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consider the proposal of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation/proposal 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.

6. In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's proposal dated 29.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, 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



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views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

18.06.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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