



W.P.(MD).No.16775 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16775 of 2025

DVD Higher Secondary School and Teacher Training School,
Represented by its Secretary,
K.M.Raj.

... Petitioner

-VS-

1. The Director of School Education,
DPI Compound,
College Road,
Chennai.

2. The Chief Educational Officer,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent herein to consider and pass orders on petitioner school's proposal dated 19.07.2018 to grant permission to the petitioner school to fill up the post of Post Graduate Assistant (History) by direct recruitment in terms of Rule 15(4)(1)(C) Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974, more particularly within a time frame as may be stipulated by this Court.



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For Petitioner : Mr.J.Pooventherarajan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the second respondent herein to consider and pass orders on the petitioner school's representation / proposal dated 19.07.2018 to grant permission to the petitioner school to fill up the post of Post Graduate Assistant (History) by direct recruitment in terms of Rule 15(4)(1)(C) Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974, more particularly within a time frame as may be stipulated by this Court.

2. Heard the learned counsel on either side.

3. The petitioner school is a non-minority aided Higher Secondary School and the school has earned the recognition of best school in Kanyakumari District. The petitioner school is sanctioned with one Post Graduate Teacher (History). In the said post, one Savithri, served and retired from service in the year 2018. In that post, one Saravana Kumar, was appointed on temporary basis from the year 2018 onwards. Hence, the



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petitioner school made a representation / proposal dated 19.07.2018 before the second respondent seeking prior permission to fill the vacancy of the Post Graduate Teacher (History) as per the Rule 15(4)(1)(c) of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974. Since the same has not been considered till date, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

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 second respondent to consider the representation / proposal submitted by the petitioner school dated 19.07.2018, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of



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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.

20.06.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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