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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.23311 of 2025

The Correspondent,
St.Lawrence Higher Secondary School,
Madathattuvilai, Villukurai,
Kanyakumari District – 629 180. : Petitioner

Vs.

1. The State of Tamil Nadu,
   Rep by its Secretary,
   Department of School Education,
   Fort St.George,
   Chennai 600 009.

2. The Director of School Education,
   College Road, Chennai 600 006.

3. The Chief Educational Officer,
   Nagercoil,
   Kanyakumari District

4. The District Educational Officer,
   Marthandam,
   Kanyakumari District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus 4th respondent DEO to approve forthwith the appointment of N.Ratheesh Kumar as Night Watchan in the

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petitioner School with effect from the date of his appointment vis., 03.05.2021 with all consequential benefits by considering the proposals dated 06.09.2021 and 06.10.2022, within a time frame as may be prescribed by this Court.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the 4th respondent DEO to approve forthwith the appointment of one N.Ratheesh Kumar as Night Watchan in the petitioner School with effect from the date of his appointment vis., 03.05.2021 with all consequential benefits by considering the proposals dated 06.09.2021 and 06.10.2022, within a time frame as may be prescribed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3. The petitioner school is an aided minority school, which is administered by the corporate management of Rome Catholic Schools Diocese of Kuzhithurai, Nagercoil. The petitioner school has sent proposals to the respondents to approve the appointment of one N.Ratheesh Kumar as Night Watchan in the petitioner School with effect from the date of his appointment vis., 03.05.2021 with all consequential benefits. Since the same was not considered till date, 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 fourth respondent to consider the petitioner's proposals dated

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06.09.2021 and 06.10.2022, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks 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.

26.08.2025

Index : Yes / No
NCC : Yes / No
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To:-

1. The Secretary,
   Department of School Education,
   Fort St.George,
   Chennai 600 009.

2. The Director of School Education,
   College Road, Chennai 600 006.

3. The Chief Educational Officer,
   Nagercoil,
   Kanyakumari District

4. The District Educational Officer,
   Marthandam,
   Kanyakumari District.

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M.DHANDAPANI, J.

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