



W.P.(MD)No.13933 of 2021

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.(MD)No.13933 of 2021  
and  
W.M.P.(MD)No.12049 of 2021**

A.Murugesan

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Represented 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,  
Pudukkottai District.
4. The District Educational Officer,  
Illuppur,  
Pudukkottai District.



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5. V.V.Higher Secondary School,  
Represented by its Secretary,  
Ponnamaravathy - 622 407,  
Pudukkottai District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent herein to grant permission and approval forthwith for petitioner's appointment as B.T.Assistant (English) in the fifth respondent School from 06.01.2015 onwards with salary and other attendant benefits in the light of the permission and approval granted to similarly placed person R.Theivanai as Post Graduate Assistant (Tamil) in the fifth respondent School vide proceeding of the third respondent in Mu.Mu.No.1316/A3/2020 dated 20.10.2020.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.A.Kannan  
Addl. Govt. Pleader for R1 to R4

## **O R D E R**

By consent of both the parties, this Writ Petition is taken up for final disposal.



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2. The petitioner herein had given a representation to the third and fourth respondents on 28.07.2021 seeking for approval of appointment as B.T.Assistant (English), for which, the fifth respondent had earlier sent a proposal on 19.01.2015 and the same was rejected. Therefore, the fifth respondent had resubmitted the proposal on 16.11.2020. Since the said proposal was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a proposal 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. As such, non-consideration of the proposal 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 Constitution of India and direct them to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the fifth respondent's proposal dated 19.11.2015 which was resubmitted on 16.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**30.06.2022**

Index : Yes / No

Speaking Order : Yes / No

vji



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**M.S.RAMESH, J.**

vji

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**30.06.2022**