



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26189 of 2019

D.Shanthi Jothimani May Girl,
Secondary Grade Teacher,
Hamim Middle School,
Melapalayam, Tirunelveli.

... Petitioner

/vs./

1. The Director of Elementary School Education,
College Road, Chennai.
2. The District Educational Officer,
Cheranmadevi, Tirunelveli.
3. The Block Education Officer,
South Bazar, Palancottai Nagar,
Tirunelveli.
4. Hamim Middle School,
Melapalayam, Tirunelveli.
Rep. by its Secretary.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to sanction two sets of incentive increment for acquiring M.Ed and M.A with all benefits from the date of acquiring qualification by considering the petitioner's representation dated 30.05.2019.

For Petitioner	: Mr.M.E.Ilango
For R-1 to R-3	: Mr.A.Thiyagarajan Government Advocate

ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to sanction two sets of incentive

<https://hcservices.ecourts.gov.in/hcservices/>



increment for acquiring M.Ed and M.A with all benefits from the date of acquiring qualification, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

WEB COPY

3. The petitioner would submit that she has already made representation on 30.05.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 30.05.2019, on its own merits and pass appropriate orders within a period of eight (8) 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 view with regard to the claim made by the petitioner in his representation and it is for the third respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Director of Elementary School Education,
College Road, Chennai.
2. The District Educational Officer,
Cheranmadevi, Tirunelveli.



3. The Block Education Officer,
South Bazar, Palancottai Nagar,
Tirunelveli.

+1 CC to M/s.M/S.M.E.ILANGO, Advocate (SR-104298[F] dated
10/12/2019)

+1 CC to M/s.SPL.GP (SR-104502[F] dated 11/12/2019)

CP

TE : 07/01/2020 : 3P/6C

Order made in
W.P. (MD) No.26189 of 2019
Dated:10.12.2019