



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

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

W.P. (MD) No.2628 of 2020

K.Kadasari

... Petitioner

/vs./

1.The State of Tamil Nadu,
rep., by the Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.

2.The Joint Director (Vocational)
Directorate of School Education,
DPI Compound, College Road,
Chennai 600 006.

3.The District Educational Officer,
Madurai District, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents give 1 incentive with 2 increments from the date of acquiring higher qualification as per the G.O.Ms.No.240, School Education Department, dated 18.08.2010 and as per the judgment rendered by this Court dated 17.04.2012 in W.P.No.12817 of 2011.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.M.Karuppasamy
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 give 1 incentive with 2 increments from the date of acquiring higher qualification as per the G.O.Ms.No.240, School Education Department, dated 18.08.2010 and as per the judgment rendered by this Court dated 17.04.2012 in W.P.No.12817 of 2011, in my view, such a decision is to be taken by the second respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.



3. The petitioner would submit that he has already made representation on 24.10.2019 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 second respondent herein to consider the petitioner's representation, dated 24.10.2019 in the light of G.O.Ms.No.240, School Education Department dated 18.08.2010, if applicable to the petitioner herein, 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.



2.The Joint Director (Vocational)
Directorate of School Education,
DPI Compound, College Road,
Chennai 600 006.

3.The District Educational Officer,
Madurai District, Madurai.

+1 CC to Mr.R.SARAVANAN, Advocate (SR-5651[F] dated 11/02/2020)

+1 CC to SPL.GP (SR-5822[F] dated 12/02/2020)

Order made in
W.P. (MD) No.2628 of 2020
11.02.2020

VB(20.02.2020) 3P 6C