



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

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

W.P. (MD) No.2736 of 2020

and

W.M.P. (MD) No.2324 of 2020

Hairathul Jamalia Higher Secondary School,
Represented by its Correspondent C.A.Sadique Basha,
Paramakudi, Ramanathapuram District. ... Petitioner

/vs./

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

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

3.The Chief Education Officer,
Chief Educational Office,
Ramnad, Ramnad District.

4.The District Educational Officer,
District Educational Office,
Paramakudi, Ramnad District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to release the increment from the year 01.04.2014 to the teacher namely Mrs.M.Hasina Begum, B.T.Assistant and continue to pay the increment for the subsequent years.

For Petitioner : Mr.K.Vadivelu

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.

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to release the increment of Mrs.M.Hasina Begum, B.T.Assistant, from the year 01.04.2014 and continue to pay the increment for the subsequent years, 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.

3. The petitioner would submit that he has already made a representation on 21.08.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 fourth respondent herein to consider the petitioner's representation, dated 21.08.2019, 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 fourth respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

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

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

3.The Chief Education Officer,
Chief Educational Office,
Ramnad, Ramnad District.

4.The District Educational Officer,
District Education Office,
Paramakudi, Ramnad District.

+1 CC to M/s.K.VADIVELU, Advocate (SR-6070[F] dated 13/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-6118[F] dated 13/02/2020)

Order made in
W.P. (MD) No.2736 of 2020
12.02.2020

cp

SDS (20.02.2020) 3P-7C