



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2020**

CORAM:

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

W.P. (MD) No.2949 of 2020

M.Immaculate Eugene Mary

... Petitioner

/vs./

1.The State of Tamilnadu,
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 Director of Elementary Education,
College Road, Chennai 600 006.

4.The Chief Educational Officer,
Trichy District at Trichy.

5.The District Educational Officer,
Manaparai,
Trichy District.

6.The Block Educational Officer,
Manikandam,
Trichy District.

7.The Headmistress,
Panchayat Union Primary School,
Yagapudayanpatti,
Manikandam Union, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reckon the petitioner's service as Secondary Grade Teacher from 15.10.2004 to 31.05.2006 for all her service benefits viz., Seniority, Promotion, Selection Grade and Special Grade etc including her regular scale of pay with effect from 01.06.2006 and disburse all other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.A.Thiagarajan
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 the respondents to reckon the petitioner's service as Secondary Grade Teacher from 15.10.2004 to 31.05.2006 for all her service benefits viz., Seniority, Promotion, Selection Grade and Special Grade etc including her regular scale of pay with effect from 01.06.2006 and disburse all other monetary benefits, 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 she has already submitted a representation on 05.02.2019 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 05.02.2019, on its own merits and pass appropriate orders within a period of six 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 her representation and it is for the second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (co)

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Sub Assistant Registrar (CS)

